

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934
VOLUME 14 NUMBER 124

Washington, Wednesday, June 29, 1949

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 995—MILK IN LIMA, OHIO, MARKETING AREA

ORDER REGULATING HANDLING

Sec.	
995.0	Findings and determinations.
995.1	Definitions.
995.2	Market administrator.
995.3	Reports, records, and facilities.
995.4	Classification.
995.5	Minimum class prices.
995.6	Determination of uniform price to producers.
995.7	Payment for milk.
995.8	Expense of administration.
995.9	Marketing services.
995.10	Errors in payments.
995.11	Application of provisions.
995.12	Termination of obligation.
995.13	Effective time.
995.14	Suspension or termination.
995.15	Agents.
995.16	Separability of provisions.

AUTHORITY: 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534; 61 Stat. 951.

§ 995.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Lima, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of its terms and conditions will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as deter-

mined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by

(1) Each handler, as his pro rata share of such expenses, 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period of (a) milk from producers (including such handler's own production), and (b) other source milk disposed of as Class I milk, and

(ii) Each cooperative association, as its pro rata share of such expenses, 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk of producers caused to be diverted by it pursuant to § 995.11 (c) (2).

(b) *Additional findings.* It is hereby found and proclaimed in connection with the execution of a tentative marketing agreement and the issuance of this order regulating the handling of milk in the said marketing area that the purchasing power of such milk during the prewar period of August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture but the purchasing power of such milk for the period August 1919–July 1929 can be satisfactorily deter-

(Continued on next page)

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration; Rural Electrification Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Geissner, Babette.....	3574
Ishida, Hiromi, et al.....	3574
Kriegsheim, Heinrich, and Central Hanover Bank and Trust Co.....	3572
Mueller (Muller), Albert.....	3573
Neuhaus, Fritz A., et al.....	3573
Pross, Marie Margrete (Margarete).....	3573
Civil Aeronautics Board	
Notices:	
Hearings, etc.:	
City of Myrtle Beach, et al....	3567
Val-Air Lines, Inc. and Texas Airways.....	3567
Rules and regulations:	
Certificates, pilot; night flight requirements for commercial pilot rating.....	3521
Economic regulations; recodification and readoption.....	3522
Nondisclosure of information obtained by representatives of the Board in course of examinations, studies, and investigations.....	3522
Procedural regulations; establishment of subchapter.....	3522
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Bamberger Broadcasting Service, Inc., et al.....	3569
Eastern Idaho Broadcasting and Television Co. (KIFI).....	3570
Jacksonville Broadcasting Corp.....	3570
Lamar, Charles Wilbur, Jr., et al.....	3568
Lincoln Operating Co. and Sun Coast Broadcasting Corp.....	3568



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

1949 Edition

CODE OF FEDERAL REGULATIONS

The following book is now available:

Title 15 (\$2.50)

Previously announced: Title 3, 1948 Supp. (\$2.75); Titles 4-5 (\$2.25); Title 6 (\$3.00); Title 7: Parts 1-201 (\$4.25); Parts 210-874 (\$2.75); Parts 900 to end (\$3.50); Title 8 (\$2.75); Title 9 (\$2.50); Titles 10-13 (\$2.25).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission—Continued	Page
Notices—Continued	
Hearings, etc.—Continued	
Schulman, Martin L., and Clinton County Broadcasting Corp.	3568
Village Broadcasting Co. (WEBS)	3570
Proposed rule making:	
Aeronautical services, frequency allocations, and radio treaty matters	3560
Rules and regulations:	
Amateur radio service	3558
Coastal and marine relay services	3558
Frequency allocations and radio treaty matters; general rules and regulations	3558
Ship radio service	3558

RULES AND REGULATIONS

CONTENTS—Continued

Federal Power Commission	Page
Notices:	
Hearings, etc.:	
Arkansas-Oklahoma Gas Co. et al.	3571
Barney, Austin D.	3571
Bonneville Project	3571
City of Pittsburgh, et al.	3571
Jackson Hole Light & Power Co.	3571
Moose Creek Ranches, Inc.	3571
Oconto Electric Cooperative.	3571

Housing Expediter, Office of

Rules and regulations:

Housing:

Arkansas and Kansas	3556
Florida and New Mexico	3556
Rooms in rooming houses and other establishments:	
Arkansas and Kansas	3555
Florida and New Mexico	3555

Interior Department

See Land Management, Bureau of.

Internal Revenue Bureau

Rules and regulations:

Distilled spirits, labeling and advertising; miscellaneous amendments	3556
---	------

Justice Department

See Alien Property, Office of.

Land Management, Bureau of

Notices:

Classification orders:	
California (3 documents)	3562, 3563
Nevada (3 documents)	3564, 3565

Production and Marketing Administration

Notices:

Delegation of authority	3565
-------------------------	------

Proposed rule making:

Milk handling in Paducah, Ky., area	3559
-------------------------------------	------

Rules and regulations:

Milk in Lima, Ohio, area	3515
--------------------------	------

Rural Electrification Administration

Notices:

Allocation of funds for loans	3567
Loan announcements:	
Arizona	3566
Arkansas	3566
Florida	3566
Georgia (2 documents)	3566
Missouri (2 documents)	3567
Montana	3567
New Hampshire (2 documents)	3566
New Mexico	3567
North Carolina	3566
North Dakota	3566
Oklahoma	3566
Oregon	3565
Pennsylvania	3567
South Carolina	3567
Wisconsin (2 documents)	3566, 3567

Securities and Exchange Commission

Notices:

Public Service Co. of New Hampshire; hearing	3572
--	------

Treasury Department

See Internal Revenue Bureau.

CONTENTS—Continued

War Assets Administration	Page
Notices:	
Transfer of a portion of Tobyhanna Military Reservation, to Commonwealth of Pennsylvania	3572

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7

Chapter IX:

Part 977 (proposed)	3559
Part 995	3515

Title 14

Chapter I:

Part 20	3521
Part 200	3524
Part 201	3524
Part 202	3525
Part 203	3526
Part 205	3527
Part 206	3528
Part 211	3528
Part 221	3529
Part 222	3531
Part 223	3534
Part 224	3536
Part 231	3536
Part 232	3537
Part 233	3537
Part 234	3537
Part 241	3538
Part 242	3538
Part 243	3539
Part 244	3540
Part 245	3540
Part 246	3540
Part 247	3541
Part 248	3541
Part 249	3541
Part 251	3543
Part 261	3445
Part 262	3546
Part 287 (2 documents)	3522
Part 290	3546
Part 291	3546
Part 292	3550
Part 293	3552
Part 295	3552
Part 296	3553
Part 301	3522
Part 302	3522

Title 24

Chapter VIII:

Part 825 (4 documents)	3555, 3556
------------------------	------------

Title 27

Chapter I:

Part 5	3556
--------	------

Title 47

Chapter I:

Part 2	3558
Proposed rules	3560
Part 7	3558
Part 8	3558
Part 9 (proposed)	3560
Part 12	3558

mined from available statistics of the Department of Agriculture, and the period August 1919-July 1929 is the base period to be used in connection with said

marketing agreement and this order in determining the purchasing power of such milk.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order) of more than 50 percent of the volume of milk covered by the aforesaid order which is marketed within the Lima, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers, who, during April 1949 (said month having been determined to be a representative period) were engaged in the production of milk for sale in the said marketing area.

§ 995.1 *Definitions.* The following terms as used herein shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "U. S. D. A." means the United States Department of Agriculture.

(d) "Person" means an individual, partnership, corporation, association, or any other business unit.

(e) "Lima, Ohio, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of Lima, in the County of Allen, State of Ohio.

(f) "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Lima, Ohio, Board of Health for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

(g) "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

(h) "Producer" means any person who produces Grade A milk received (1) at a fluid milk plant, or (2) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

(i) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (h) of this section.

(j) "Handler" means any person who (1) operates a fluid milk plant; (2) either

directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (3) any cooperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

(k) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (2) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(l) "Other source milk" means all skim milk and butterfat received other than producer milk, except (1) receipts from a producer-handler, and (2) any non-fluid milk product received and disposed of in the same form.

(m) "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (3) to have all of its activities under the control of its members.

§ 995.2 *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this part:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary, complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who

handles funds entrusted to the market administrator;

(4) Pay out of the funds provided by § 995.8:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under § 995.9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 995.3, or (ii) payments pursuant to §§ 995.7, 995.8, 995.9, 995.10, or 995.11 (a);

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit records of all handlers to verify the reports and payments required pursuant to the provisions hereof; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum prices for skim milk and butterfat for each class computed pursuant to § 995.5, and

(ii) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 995.6 (b) and the butterfat differential computed pursuant to § 995.7 (f).

§ 995.3 *Reports, records, and facilities*—(a) *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.1 (h) (2) and 995.11 (c);

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, ex-

cept that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (1) the pounds of milk and the percentages of butterfat contained therein received from each producer; (2) the amounts and dates of payments to each producer or cooperative association; and (3) the nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (1) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (2) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (3) payments to producers and cooperative associations.

(d) *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 995.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (1) producer milk, (2) a transfer from another fluid milk plant, and (3) other source milk, shall be classified in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e) and (f) of this section, the classes of utilization of milk shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of (i) in fluid form as milk, skim milk, buttermilk (except for livestock feed), flavored milk, flavored milk drinks and sweet or sour cream; (ii) as any other milk product defined by the Lima, Ohio, Board of Health; and (iii) as all skim milk and butterfat not accounted for as Class II milk.

(2) Class II milk shall be all skim milk and butterfat accounted for as (i) used

to produce a product other than those specified in subparagraph (1) of this paragraph, (ii) having been dumped or disposed of for livestock feeding, (iii) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iv) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

(c) *Interplant transfers of milk, cream and skim milk.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (1) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the delivery period within which such disposition was made, and (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided*, That in no event shall the amount so reported be greater than the total amount so used by the receiver.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

(f) *Allocation of skim milk and butterfat classified.* The market administrator shall determine the classification of skim milk and butterfat received from producers as follows:

(1) Butterfat shall be allocated in the following manner:

(i) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to paragraph (b) (2) (iii) and (iv) of this section.

(ii) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(iii) Subtract from the pounds of butterfat remaining in each class, in series beginning with the Class II utilization, the pounds of butterfat in other source milk other than butterfat shrinkage in

other source milk subtracted pursuant to subdivision (i) of this subparagraph.

(iv) Add to the pounds of butterfat remaining in Class II the pounds of butterfat shrinkage in producer milk subtracted pursuant to subdivision (i) of this subparagraph; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in series beginning with the Class II utilization. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

(2) Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in subparagraph (1) of this paragraph.

§ 995.5 *Minimum class prices*—(a) *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk provided in this section shall be the highest of the prices computed by the market administrator pursuant to subparagraphs (1), (2), and (3) of this paragraph:

(1) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by the market administrator as provided below in this subparagraph:

(i) Multiply by 6 the arithmetic average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter during such month as reported by the U. S. D. A. for the Chicago market;

(ii) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of the established prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within such month;

(iii) Divide by 7 and to the resulting amount add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by the market administrator by adding together the plus amounts calcu-

lated pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price of butter computed pursuant to subparagraph (2) (i) of this paragraph, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(ii) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for such month by the U. S. D. A., deduct 5.5 cents, and multiply the result by 8.2.

(b) *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(1) To the basic formula price add the following amounts for the months indicated:

April, May, June.....	\$0.85
July, August, February, March.....	1.00
All others.....	1.15

Provided, That the amount added pursuant to this subparagraph shall be \$1.15 for each delivery period in 1949.

(2) Add together the amounts determined in paragraph (a) (3) (i) and (ii) of this section and divide the sum into the amount determined in subdivision (i) of such subparagraph.

(3) Multiply the price determined in subparagraph (1) of this paragraph by the percent determined in subparagraph (2) of this paragraph and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(4) From the price determined in subparagraph (1) of this paragraph subtract the amount computed in subparagraph (3) of this paragraph times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

(c) *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator as follows:

(1) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co., Defiance, Ohio.
 Pet Milk Co., Coldwater, Ohio.
 Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
 Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
 Swift and Co., Lima, Ohio.

(2) Multiply the price computed in subparagraph (1) of this paragraph by

the percentage computed in paragraph (b) (2) of this section, and then divide by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight.

(3) Subtract from the price computed in subparagraph (1) of this paragraph the amount computed in subparagraph (2) of this paragraph times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

§ 995.6 *Determination of uniform price to producers—(a) Value of producer milk.* Except as provided in § 995.11 (a) the value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided*, That if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.3 (a), has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to paragraph (f) (1) (iv) and (2) of § 995.4 by the applicable class price.

(b) *Computation of uniform price.* For each month the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to paragraph (a) of this section and § 995.11 (a) for all handlers who reported pursuant to § 995.3 (a) for such month, except those in default in payments required pursuant to § 995.7 (d) and § 995.11 (a) for the preceding month;

(2) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under subparagraph (1) of this paragraph is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.7 (f) multiplied by 10;

(3) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(4) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to paragraph (a) of this section; and

(6) Subtracting not less than 4 cents nor more than 5 cents.

(c) *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for the month:

(1) The amount and value of his producer milk in each class;

(2) The uniform price computed pursuant to paragraph (b) of this section, and the butterfat differential computed pursuant to § 995.7 (f);

(3) The amount to be paid by such handler to the producer-settlement fund pursuant to §§ 995.7 (d) or 995.11 (a), or the amount due such handler from the producer-settlement fund, pursuant to § 995.7 (e); and

(4) The amounts to be paid by such handler pursuant to §§ 995.8 and 995.9.

§ 995.7 *Payment for milk—(a) Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer or to a cooperative association, with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price adjusted by the butterfat differential pursuant to paragraph (f) of this section, less the amount of payment made pursuant to paragraph (b) of this section.

(b) *Partial payment.* On or before the last day of each month, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for such handler for the preceding month, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That such price for the first month this part is in effect shall be the average minimum price as announced by the Toledo market administrator for milk of 3.5 percent butterfat content supplied to the Toledo, Ohio, marketing area during the preceding month: *And provided further*, That in the event any producer discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer during such month shall be made on the 18th day after the end of such month pursuant to paragraph (a) of this section.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and § 995.11 (a), and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section.

(d) *Equalization payments to the producer-settlement fund.* On or before the 14th day after the end of each month each handler shall make full payment to the market administrator of any amount by which the total value of his milk for such month is greater than the sum re-

quired to be paid by such handler pursuant to paragraph (a) of this section.

(e) *Equalization payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler pursuant to paragraph (a) of this section is greater than the total value of the milk of such handler for such month, less any unpaid obligations of the handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

(f) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Divide the total value of all butterfat, computed pursuant to § 995.6 (a) by the total pounds of butterfat used in such computation and divide the result by 10.

§ 995.8 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.2 (c) (4), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts, during such month, of (1) producer milk (including any milk of such handler's own production), and (2) other source milk classified as Class I milk: *Provided*, That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.9 *Marketing services.*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.7 (a) with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight of milk, or such amount not to exceed 4 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative

association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 995.7 (a) as may be authorized by the membership agreement or contract between such cooperative association and such producers, and shall pay such deductions on or before the 18th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 995.10 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, or such handler from the market administrator pursuant to §§ 995.7, 995.8, 995.9, or 995.11 (a) or (2) any producer or cooperative association from such handler pursuant to § 995.7, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 995.11 *Application of provisions.*—(a) *Milk subject to special payments.*

(1) Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions hereof, except that for any month for which the Class I milk price determined pursuant to § 995.5 (b) (1) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 14th day after the end of each month, with respect to all skim milk and butterfat disposed of within the marketing area during such delivery period as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 995.5 (b) (3) and (4) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in subparagraphs (2) to (4) of § 995.5 (b), inclusive, to the highest Class I price provided by such other order.

(2) Any handler who receives only other source milk, which milk is not subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act, shall pay into the producer-settlement fund on or before the 14th day after the end of each month a sum computed by the market administrator by multiplying the hundredweight of all skim milk and butterfat disposed of by such handler within the marketing area as any item included in Class I milk during such month by the respective differences

between the prices for skim milk and butterfat in Class I milk and Class II milk for such month.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

(c) *Milk diverted.* (1) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(2) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

(d) *Producer-handlers.* Sections 995.4, 995.5, 995.6, 995.7, 995.8, 995.9, and 995.10 shall not apply to the milk of a producer-handler.

§ 995.12 *Termination of obligation.*

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of

the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 995.13 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.14 *Suspension or termination—*
(a) *When suspended or terminated.* Whenever the Secretary finds this part or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this part or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 995.15 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 995.16 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions hereof, to other persons or circumstances shall not be effected thereby.

Issued at Washington, D. C., this 24th day of June 1949, to be effective on and after the first day of August 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5158; Filed, June 28, 1949;
8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-4]

PART 20—PILOT CERTIFICATES

NIGHT FLIGHT REQUIREMENT FOR COMMERCIAL PILOT RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of June 1949.

Part 20 currently provides that an applicant for a pilot certificate with a commercial rating shall have 10 hours of night flight time of which at least 5 hours may be dual instruction time, and which shall include not less than 10 take-offs and 10 landings as pilot in command and as sole manipulator of the controls; and that if such applicant does not meet these requirements, his certificate shall be appropriately endorsed. In promulgating Amendment 20-2, effective May 1, 1949, which established these requirements, it was the intention of the Board to implement those portions of the Personnel Licensing Standards adopted in Annex 1 by the International Civil Aviation Organization (ICAO) deemed suitable for United States aviation. The international standards relating to night flight provide that 5 hours of the required 10 hours of night flight time may be dual instruction time. That requirement has been interpreted to mean that an applicant may have a maximum of 5 hours of dual instruction time rather than a minimum. The currently effective § 20.35 (a) was intended to implement this requirement. However, this section may be interpreted to mean that an applicant may have all dual instruction time except that necessary to comply with the take-off and landing requirement. In that event such applicant would not meet the international standards.

Accordingly, in order to avoid the possibility of having the rule interpreted as mentioned above, this amendment deletes the words "at least" from the night flight dual instruction requirement. Thus, an applicant may not receive credit for more than 5 hours of night dual instruction time in meeting the 10-hour night flight requirement. It is necessary that the amendment be made effective immediately in order that the United States may comply with the requirements of Annex 1, which became effective May 1, 1949.

It will also be noted that the international standards require an applicant for a commercial rating to have 100 hours of flight time as pilot in command, 20 hours of cross-country flight time as pilot in command, and 10 take-offs and 10 landings at night as pilot in command. It is our understanding of these requirements that the cross-country and night

flight time may be credited by the applicant in computing the required total of 100 hours of flight time as pilot in command. The current provisions of Part 20 were intended to implement the international standards in accordance with this interpretation. However, the Board has been advised that the provisions of Part 20 have been interpreted as requiring an applicant to have 100 hours of flight time as pilot in command exclusive of the flight time flown cross-country and at night. In order to clarify our requirements we are providing specifically that an applicant may credit the cross-country flight time and night flight time flown as pilot in command toward the required total of 100 hours of flight time as pilot in command. The clarifying amendment being interpretative in nature does not require compliance with rule-making procedures.

For the reasons stated above notice and public procedure hereon are impracticable and unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 (14 CFR, Part 20, as amended) effective June 21, 1949:

By amending paragraph (a) of § 20.35 to read as follows:

§ 20.35 *Aeronautical experience—*(a) *Powered aircraft.* An applicant for a commercial pilot rating shall have a total of at least 200 hours of flight time credited in accordance with Part 43 of this chapter. This total flight time shall include at least 100 hours of flight time as pilot in command, of which 5 hours shall have been flown within 60 days immediately preceding the date of application; 20 hours of cross-country flight time as pilot in command which shall include at least one flight of not less than 350 miles in the course of which 3 full-stop landings are made at different points; and 10 hours of night flight time of which 5 hours may be dual instruction time, and which shall include not less than 10 take-offs and 10 landings as pilot in command and as sole manipulator of the controls. The required 100 hours of pilot in command flight time may include the cross-country and night flight time required to be flown as pilot in command.

(1) An applicant who does not meet the above-mentioned night flight time requirements but does meet the other requirements of this section may be issued a pilot certificate with a commercial rating, and in that event the Administrator shall appropriately endorse such certificate to show that the holder thereof does not meet the night flight time requirement.¹ At such time as the

¹ Paragraph 2.4.1.3 (c) of Annex 1 (Personnel Licensing Standards) to the Convention on International Civil Aviation provides that an applicant for a commercial pilot certificate shall have 10 hours of night flight time as set forth in the above text. An individual holding a pilot certificate with a commercial rating who does not meet such requirement may not participate in international flight as a commercial pilot unless he receives permission from the State or States whose territory is entered. Further, pursuant to the provisions of Article 39 of the Convention on International Civil Aviation he shall have

holder of a certificate so endorsed submits reliable documentary evidence to the Administrator that he has met such night flight time requirement, he shall be reissued a certificate without such endorsement.

(2) Not more than 25% of the flight time flown as pilot in command may be had in glider aircraft provided the applicant holds a pilot certificate with a private or commercial glider rating.

(Secs. 205 (a), 602, 52 Stat. 984, 1008; 49 U. S. C. 425 (a), 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5167; Filed, June 28, 1949;
8:53 a. m.]

[Serial Number ER-148]

PART 287—PROCEDURE, EVIDENCE AND DEFINITIONS

NONDISCLOSURE OF INFORMATION OBTAINED BY REPRESENTATIVES OF THE BOARD IN THE COURSE OF EXAMINATIONS, STUDIES, AND INVESTIGATIONS

By action taken concurrently herewith (*infra*) the Economic Regulations have been recodified. The former § 287.2 of the Economic Regulations was not included in the new codification system.

The material contained in the former § 287.2 does not appropriately belong in the Economic Regulations as recodified, but is suitable for inclusion in the Board's internal administrative regulations. The latter are not required to be published in the FEDERAL REGISTER. Accordingly, it is appropriate to withdraw the material contained in this section.

In consideration of the foregoing the Civil Aeronautics Board hereby amends the Economic Regulations as follows effective July 1, 1949:

By repealing the section titled: "*Non-disclosure of information obtained by representatives of the Board in the course of examinations, studies, and investigations*" (formerly § 287.2).

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425)

Adopted: June 23, 1949.

Effective: July 1, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5143; Filed, June 27, 1949;
8:54 a. m.]

[Serial Number ER-147]

ESTABLISHMENT OF SUBCHAPTER C (PROCEDURAL REGULATIONS)

The Board has heretofore discontinued the codification of its Organizational

endorsed on his certificate the particulars in which he does not meet the International Standards. However, such endorsement on a commercial rating issued by the Administrator does not prohibit the holder thereof from exercising the privileges of a commercial pilot rating while flying in the United States.

Regulations comprising Parts 301, 302, and 303 of Chapter I, Title 14 of the Code of Federal Regulations. Organizational material now appears in the "Notices" section of the FEDERAL REGISTER.

In addition Subchapters A and B have been established within Chapter I—Civil Aeronautics Board, of Title 14—Civil Aviation, of the Code. (Regulations Serial Number OR-11, dated December 14, 1948, 13 F. R. 7861.)

By action taken concurrently herewith (*infra*) the Economic Regulations have been recodified within Subchapter B—Economic Regulations. (Subchapter A is being reserved for the Civil Air Regulations.) The Rules of Practice in Economic Proceedings, together with § 287.3, of the present Economic Regulations, have been omitted from the recodification.

The purposes of the present action are (1) to establish Subchapter C—Procedural Regulations—within Chapter I—Civil Aeronautics Board, (2) to place the former § 287.3 in the Rules of Practice, and (3) to codify the Rules of Practice within the newly established Subchapter C—Procedural Regulations.

It has been recently proposed that the Rules of Practice in Air Safety Proceedings be established as Part 301 (14 CFR, Part 301), (see: Notice of Proposed Rule Making published in the FEDERAL REGISTER on May 14, 1949, 14 F. R. 2574) to be followed by the Rules of Practice in Economic Proceedings. The Rules of Practice in Economic Proceedings are, therefore, established as Part 302 within Subchapter C—Procedural Regulations, and the existing Rules of Practice are codified accordingly.

Since this action establishes a rule of agency procedure and practice; notice and public procedure hereon are unnecessary.

In consideration of the foregoing the Civil Aeronautics Board hereby makes the following editorial changes in the codification of its Rules of Practice, effective July 1, 1949:

1. There is hereby established within the regulations of the Civil Aeronautics Board appearing in Title 1, Chapter I of the Code of Federal Regulations a new division to be designated Subchapter C—Procedural Regulations.

2. Subchapter C shall comprise Part 301 which is reserved for the Rules of Practice in Air Safety proceedings and Part 302 which is reserved for the Rules of Practice in Economic Proceedings.

3. The Rules of Practice in Economic Proceedings (formerly Part 285 of the Economic Regulations) shall be recodified by designating each section thereof as "§ 302" followed by the appropriate rule number as presently established.

4. The former § 287.3 *Representation of private parties by persons formerly associated with the Board* shall be designated Rule 17 of the Rules of Practice and codified as § 302.17 thereof.

(Sec. 205, 1001; 52 Stat. 984, 1017; 49 U. S. C. 425, 641)

Adopted: June 23, 1949.

Effective: July 1, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5144; Filed, June 27, 1949;
8:54 a. m.]

Subchapter B—Economic Regulations

[Regs., Serial No. ER-146]

RECODIFICATION AND READOPTION OF REGULATIONS

In order to conform Chapter I of Title 14 of the Code of Federal Regulations to the scope and style of the Code of Federal Regulations as prescribed by the regulations of the Administrative Committee of the Federal Register, which were approved by the President for use in connection with the 1949 Edition of the Code effective October 18, 1948 (13 F. R. 5929), the Economic Regulations of the Civil Aeronautics Board are recodified, re-adopted and published as follows, effective July 1, 1949:

Definitions and Instructions

Part 200—Definitions and Instructions.

Certificates of Public Convenience and Necessity

Part 201—Applications for Certificates of Public Convenience and Necessity.

Part 202—Terms, Conditions and Limitations of Certificates of Public Convenience and Necessity; Interstate and Overseas Air Transportation.

Part 203—Terms, Conditions and Limitations of Certificates of Public Convenience and Necessity; Foreign Air Transportation.

Part 205—Temporary Suspension of Service Authorized by Certificates of Public Convenience and Necessity.

Part 206—Certificates of Public Convenience and Necessity; Temporary Interruption of Service or Change of Route.

Permits to Foreign Air Carriers

Part 211—Applications for Permits to Foreign Air Carriers.

Tariffs of Air Carriers

Part 221—Preparation of Tariffs of Air Carriers.

Part 222—Filing and Posting Tariffs of Air Carriers.

Part 223—Tariffs of Air Carriers; Free and Reduced Rate Transportation.

Part 224—Tariffs of Air Carriers; Free and Reduced Rate Transportation; Access to Aircraft for Safety Purposes.

Transportation of Mail

Part 231—Transportation of Mail; Mail Schedules.

Part 232—Transportation of Mail; Review of Orders of Postmaster General.

Part 233—Transportation of Mail; Free Travel for Postal Employees.

Part 234—Petitions for Determination of Rates for Transportation of Mail.

Accounts, Records and Reports

Part 241—Filing of Reports by Certificated Air Carriers.

Part 242—Filing of Reports by Irregular Air Carriers and Noncertificated Cargo Carriers.

Part 243—Filing of Reports by Alaskan Air Carriers.

Part 244—Filing of Reports by Air Freight Forwarders.

Part 245—Reports of Ownership of Stock and Other Interests.

Part 246—Reports of Stock Ownership of Affiliates of Air Carriers.

Part 247—Direct Airport-to-Airport Mileage Records.

Part 248—Submission of Audit Reports by Public Accountants.

Part 249—Preservation of Accounts, Records, and Memoranda.

Prohibited Interests

Part 251—Prohibited Interests; Interlocking Relationships.

Pooling and Other Agreements

Part 261—Filing of Agreements.

Part 262—Agreements between Air Carriers and Foreign Countries.

Classification and Exemption of Carriers

Part 290—Application for Exemptions of Carriers.

Part 291—Classification and Exemption of Irregular Air Carriers.

Part 292—Classification and Exemption of Alaskan Air Carriers.

Part 293—Classification and Exemption of Carriers; Omission of Stop at Route Junction Points.

Part 295—Classification and Exemption of Noncertificated Cargo Carriers.

Part 296—Classification and Exemption of Air Freight Forwarders.

NOTE: Explanatory statement on recodification of economic regulations. The Board has authorized the publication of the following statement for use in connection with the recodified Economic Regulations:

1. The following recodification shall not affect the substantive provisions of the Economic Regulations and such provisions shall remain unchanged and shall continue in full force and effect except for the editorial changes, revisions, and minor deletions appearing in the recodified regulation as adopted.

2. All references to the former section numbers of the Economic Regulations contained in any Board decisions, orders, certificates of public convenience and necessity, foreign air carrier permits, letters of registration, or other statements promulgated by the Board shall hereafter refer to the appropriate part or section of the recodified Economic Regulations containing the same provisions as the corresponding section of the Economic Regulations as codified prior to the effective date of the Board's action recodifying such regulations.

3. For the convenience of persons using the Economic Regulations the following cross-reference table of present and former part, section and paragraph designations is published:

SUBCHAPTER B—ECONOMIC REGULATIONS

Present designation	Former designation (prior to July 1, 1949)
Part 200.....	§ 287.1.
§ 200.1.....	§ 287.1 (a) (1).
§ 200.2.....	§ 287.1 (a) (2).
§ 200.3.....	§ 287.1 (a) (3).
§ 200.4.....	§ 287.1 (a) (4).
§ 200.5.....	§ 287.1 (a) (5).
§ 200.6.....	§ 287.1 (a) (6).
§ 200.7.....	§ 287.1 (b) and (c).
Part 201.....	§ 238.1.
§ 201.1.....	§ 238.1 (a).
§ 201.2.....	§ 238.1 (b).
§ 201.3.....	§ 238.1 (c).
§ 201.4.....	§ 238.1 (d).
§ 201.5.....	§ 238.1 (e).
Part 202.....	§ 238.3.
§ 202.1.....	§ 238.3 (a).
§ 202.2.....	§ 238.3 (b).
§ 202.3.....	§ 238.3 (c).
§ 202.4.....	§ 238.3 (d).
§ 202.5.....	§ 238.3 (e).
§ 202.6.....	§ 238.3 (f).
§ 202.7.....	§ 238.3 (g).

Present designation	Former designation (prior to July 1, 1949)
Part 203.....	§ 238.4.
§ 203.1.....	§ 238.4 1st paragraph.
§ 203.2.....	§ 238.4 (a).
§ 203.3.....	§ 238.4 (b).
§ 203.4.....	§ 238.4 (c).
§ 203.5.....	§ 238.4 (d).
§ 203.6.....	§ 238.4 (e).
§ 203.7.....	§ 238.7 (a).
§ 203.8.....	§ 238.7 (b).
Part 205.....	§ 238.6.
§ 205.1.....	§ 238.6 (a).
§ 205.2.....	§ 238.6 (b).
§ 205.3.....	§ 238.6 (c).
§ 205.4.....	§ 238.6 (d).
§ 205.5.....	§ 238.6 (e).
§ 205.6.....	§ 238.6 (f).
Part 206.....	§ 238.6 (g).
Part 211.....	§ 241.1.
§ 211.1.....	§ 241.1 (a).
§ 211.2.....	§ 241.1 (b).
§ 211.3.....	§ 241.1 (c).
§ 211.4.....	§ 241.1 (d).
§ 211.5.....	§ 241.1 (e).
Part 221.....	§ 224.1 (in part).
§ 221.1.....	§ 224.1 (a).
§ 221.2.....	§ 224.1 (c).
§ 221.3.....	§ 224.1 (d).
§ 221.4.....	§ 224.1 (e).
§ 221.5.....	§ 224.1 (f).
§ 221.6.....	§ 224.1 (g).
§ 221.7.....	§ 224.1 (h).
§ 221.8.....	§ 224.1 (i).
§ 221.9.....	§ 224.1 (j).
§ 221.10.....	§ 224.1 (l).
Part 222.....	§ 224.1 (in part).
§ 222.1.....	§ 224.1 (b).
§ 222.2.....	§ 224.1 (o).
§ 222.3.....	§ 224.1 (p).
§ 222.4.....	§ 224.1 (n).
§ 222.5.....	§ 224.1 (k).
§ 222.6.....	§ 224.1 (r).
§ 222.7.....	§ 224.1 (q).
§ 222.8.....	§ 224.1 (s).
§ 222.9.....	§ 224.1 (t).
Part 223.....	§ 228.4.
§ 223.1.....	§ 228.4 (a).
§ 223.2.....	§ 228.4 (b).
§ 223.3.....	§ 228.4 (c).
§ 223.4.....	§ 228.4 (d).
§ 223.5.....	§ 228.4 (e).
§ 223.6.....	§ 228.4 (f).
§ 223.7.....	§ 228.4 (g).
§ 223.8.....	§ 228.4 (h).
§ 223.9.....	§ 228.4 (i).
Part 224.....	§ 228.3.
§ 224.1.....	§ 228.3 (a).
§ 224.2.....	§ 228.3 (b).
§ 224.3.....	§ 228.3 (c).
Part 231.....	§ 208.2.
§ 231.1.....	§ 208.2 (a).
§ 231.2.....	§ 208.2 (b).
§ 231.3.....	§ 208.2 (c).
§ 231.4.....	§ 208.2 (d).
§ 231.5.....	§ 208.2 (e).
§ 231.6.....	§ 208.2 (f).
§ 231.7.....	§ 208.2 (g).
Part 232.....	§ 208.1.
§ 232.1.....	§ 208.1 (a).
§ 232.2.....	§ 208.1 (b).
§ 232.3.....	§ 208.1 (c).
Part 233.....	§ 228.1.
§ 233.1.....	§ 228.1 (a).
§ 233.2.....	§ 228.1 (b).
§ 233.3.....	§ 228.1 (c).
§ 233.4.....	§ 228.1 (d).
§ 233.5.....	§ 228.1 (e).
§ 233.6.....	§ 228.1 (f).
§ 233.7.....	§ 228.1 (g).
Part 234.....	§ 216.1.
§ 234.1.....	§ 216.1 (a).
§ 234.2.....	§ 216.1 (b).
§ 234.3.....	§ 216.1 (c).
§ 234.4.....	§ 216.1 (d).
§ 234.5.....	§ 216.1 (e).
§ 234.6.....	§ 216.1 (f).
§ 234.7.....	§ 216.1 (g).

Present designation	Former designation (prior to July 1, 1949)
Part 241.....	§ 202.1 and 2.
§ 241.1.....	§ 202.1 (a).
§ 241.2.....	§ 202.2 (a).
Part 242.....	§ 202.1 (part).
§ 242.1.....	§ 202.1 (c) 1st paragraph.
§ 242.2.....	§ 202.1 (c) (1).
§ 242.3.....	§ 202.1 (c) (2).
§ 242.4.....	§ 202.1 (c) (3).
§ 242.5.....	§ 202.1 (c) (4).
Part 243.....	§ 202.1 (part).
§ 243.1.....	§ 202.1 (d) (1).
§ 243.2.....	§ 202.1 (d) (2).
§ 243.3.....	§ 202.1 (d) (3).
Part 244.....	§ 202.1 (part).
§ 244.1.....	§ 202.1 (d) (1).
§ 244.2.....	§ 202.1 (d) (2).
Part 245.....	§ 280.1.
§ 245.1.....	§ 280.1 (a).
§ 245.2.....	§ 280.1 (b).
§ 245.3.....	§ 280.1 (c).
Part 246.....	§ 280.2.
§ 246.1.....	§ 280.2 (a).
§ 246.2.....	§ 280.2 (b).
§ 246.3.....	§ 280.2 (c).
Part 247.....	§ 202.4.
§ 247.1.....	§ 202.4.
Part 248.....	§ 202.5.
§ 248.1.....	§ 202.5 (a).
§ 248.2.....	§ 202.5 (b).
Part 249.....	§ 202.3.
§ 249.1.....	§ 202.3 (a).
§ 249.2.....	§ 202.3 (b).
§ 249.3.....	§ 202.3 (c).
§ 249.4.....	§ 202.3 (d).
§ 249.5.....	§ 202.3 (e) (1).
§ 249.6.....	§ 202.3 (e) (2).
Part 251.....	§ 248.1.
§ 251.1.....	§ 248.1 (a).
§ 251.2.....	§ 248.1 (b).
§ 251.3.....	§ 248.1 (c).
§ 251.4.....	§ 248.1 (d).
§ 251.5.....	§ 248.1 (e).
§ 251.6.....	§ 248.1 (f).
§ 251.7.....	§ 248.1 (g).
§ 251.8.....	§ 248.1 (h).
§ 251.9.....	§ 248.1 (i).
§ 251.10.....	§ 248.1 (j).
§ 251.11.....	§ 248.1 (k).
§ 251.12.....	§ 248.1 (l).
§ 251.13.....	§ 248.1 (m).
Part 261.....	§ 251.1.
§ 261.1.....	§ 251.1 (d).
§ 261.2.....	§ 251.1 (a).
§ 261.3.....	§ 251.1 (b).
§ 261.4.....	§ 251.1 (c).
§ 261.5.....	§ 251.1 (e).
§ 261.6.....	§ 251.1 (f).
§ 261.7.....	§ 251.1 (g).
Part 262.....	§ 251.2.
§ 262.1.....	§ 251.2 (a).
§ 262.2.....	§ 251.2 (b).
§ 262.3.....	§ 251.2 (c).
§ 262.4.....	§ 251.2 (d).
Part 290.....	§ 292.4.
§ 290.1.....	§ 292.4 (a).
§ 290.2.....	§ 292.4 (b).
§ 290.3.....	§ 292.4 (c).
§ 290.4.....	§ 292.4 (d).
Part 291.....	§ 292.1.
§ 291.1.....	§ 292.1 (a) and (b) (part only).
§ 291.2.....	§ 292.1 (b) (part only).
§ 291.3.....	§ 292.1 (c) (1).
§ 291.4.....	§ 292.1 (c) (2).
§ 291.5.....	§ 292.1 (c) (3).
§ 291.6.....	§ 292.1 (c) (4).
§ 291.7.....	§ 292.1 (c) (5).
§ 291.8.....	§ 292.1 (c) (6) (i).
§ 291.9.....	§ 292.1 (c) (6) (ii).
§ 291.10.....	§ 292.1 (c) (6) (iii).
§ 291.11.....	§ 292.1 (c) (6) (iv).
§ 291.12.....	§ 292.1 (c) (6) (v).
§ 291.13.....	§ 292.1 (c) (6) (vi).
§ 291.14.....	§ 292.1 (c) (6) (vii).
§ 291.15.....	§ 292.1 (d) (1).
§ 291.16.....	§ 292.1 (d) (2).
§ 291.17.....	§ 292.1 (d) (3).
§ 291.18.....	§ 292.1 (d) (4).

Present designation	Former designation (prior to July 1, 1949)
Part 291—Con.	
§ 291.19-----	§ 292.1 (d) (5).
§ 291.20-----	§ 292.1 (d) (6).
§ 291.21-----	§ 292.1 (d) (7).
§ 291.22-----	§ 292.1 (d) (8).
§ 291.23-----	§ 292.1 (d) (9).
§ 291.24-----	§ 292.1 (e).
§ 291.25-----	§ 292.1 (f).
§ 291.26-----	§ 292.1 (g).
Part 292-----	§ 292.2.
§ 292.1-----	§ 292.2 (a).
§ 292.2-----	§ 292.2 (b).
§ 292.3-----	§ 292.2 (c).
§ 292.4-----	§ 292.2 (d).
§ 292.5-----	§ 292.2 (e).
§ 292.6-----	§ 292.2 (f).
§ 292.7-----	§ 292.2 (g).
§ 292.8-----	§ 292.2 (h).
Part 293-----	§ 292.1.
§ 293.1-----	§ 292.1.
Part 295-----	§ 292.5.
§ 295.1-----	§ 292.5 (b) (part only).
§ 295.2-----	§ 292.5 (a).
§ 295.3-----	§ 292.5 (b) (part only).
§ 295.4-----	§ 292.5 (c).
§ 295.5-----	§ 292.5 (d).
§ 295.6-----	§ 292.5 (e).
§ 295.7-----	§ 292.5 (f) (1).
§ 295.8-----	§ 292.5 (f) (2).
§ 295.9-----	§ 292.5 (f) (3).
§ 295.10-----	§ 292.5 (f) (4).
§ 295.11-----	§ 292.5 (f) (5).
§ 295.12-----	§ 292.5 (g).
Part 296-----	§ 292.6.
§ 296.1-----	§ 292.6 (a) (part only).
§ 296.2-----	§ 292.6 (a) (part only).
§ 296.3-----	§ 292.6 (b).
§ 296.4-----	§ 292.6 (c).
§ 296.5-----	§ 292.6 (d).
§ 296.6-----	§ 292.6 (e) (1).
§ 296.7-----	§ 292.6 (e) (2).
§ 296.8-----	§ 292.6 (e) (3).
§ 296.9-----	§ 292.6 (e) (4).
§ 296.10-----	§ 292.6 (e) (5).
§ 296.11-----	§ 292.6 (e) (6).
§ 296.12-----	§ 292.6 (e) (7).
§ 296.13-----	§ 292.6 (e) (8).
§ 296.14-----	§ 292.6 (e) (9).
§ 296.15-----	§ 292.6 (f).
§ 296.16-----	§ 292.6 (g).
§ 296.17-----	§ 292.6 (h).
§ 296.18-----	§ 292.6 (i).

Definitions and Instructions

PART 200—DEFINITIONS AND INSTRUCTIONS

Sec.	
200.1	Board.
200.2	Act.
200.3	Section.
200.4	Rule, regulation, and order.
200.5	Other terms.
200.6	Terms defined by act.
200.7	Instructions.

AUTHORITY: §§ 200.1 to 200.7 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425.

§ 200.1 *Board.* The term "Board" means the Civil Aeronautics Board.

§ 200.2 *Act.* The term "Act" means the Civil Aeronautics Act of 1938 as amended.

§ 200.3 *Section.* The term "section" refers to a section of the act or a section of the regulations in this chapter, as indicated by the context.

§ 200.4 *Rule, regulation, order.* The terms "rule", "regulation", and "order" refer to the rules, regulations, and orders prescribed by the Board pursuant to the act.

§ 200.5 *Other terms.* The terms "this section", "pursuant to this section", "in accordance with the provisions of this

section", and words of similar import when used in this chapter refer to the section of the Economic Regulations in which such terms appear.

§ 200.6 *Terms defined by act.* Unless otherwise specifically stated, other words and phrases have the meaning defined in the act.

§ 200.7 *Instructions.* The regulations of the Board may be cited by section numbers. For example, this regulation may be cited as § 200.7 of the "Economic Regulations." The sections contained in the Rules of Practice under title IV and sections 1002 (d) to (i) of the act, may also be cited by appropriate rule numbers. For example, section 10 may be cited as "rule 10 of the Rules of Practice." In each case in which a rule, regulation, order, or other document of the Board refers to a regulation or a rule of practice of the Board by means of the numbering system used prior to the adoption of section numbers, such reference shall be deemed to relate to the appropriate new section number of the Economic Regulations.

Certificates of Public Convenience and Necessity

PART 201—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Sec.	
201.1	Formal requirements.
201.2	Amendments.
201.3	Incorporation by reference.
201.4	General provisions concerning contents.
201.5	Operations other than between fixed points.

AUTHORITY: §§ 201.1 to 201.5 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies to sec. 401, 52 Stat. 987, 49 U. S. C. 481.

§ 201.1 *Formal requirements.* Applications for certificates of public convenience and necessity or amendments thereof, shall meet the requirements set forth in the Rules of Practice as to (a) execution, number of copies, and service; (b) verification; and (c) formal specifications of papers. All pages of an application shall be consecutively numbered and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the application to which they are attached.

§ 201.2 *Amendments.* If, after receipt of any application, the Board shall request the applicant to supply it with additional information, such information shall be furnished in the form of an amendment to the original application. All amendments to applications shall be consecutively numbered and shall comply with the requirements of this part as to form, number of copies, verification, and other essential respects.

§ 201.3 *Incorporation by reference.* In general it is desirable that incorporation by reference shall be avoided. However, where two or more applications are filed by a single carrier, lengthy exhibits or other documents attached to one may be incorporated in the others by reference if that procedure will substantially reduce the cost to the applicant.

§ 201.4 *General provisions concerning contents.* (a) The statements contained in an application shall be restricted to significant and relevant facts. They shall be free from argumentation or from expressions of opinions, except such as may be required by this part.

(b) Requests for authority to engage in air transportation between points in the continental United States and requests for authority to engage in air transportation to or from any point outside the continental United States shall not be included in the same application. Similarly, requests for authority to engage in scheduled air transportation and requests for authority to engage in nonscheduled air transportation shall not be included in the same application.

(c) Each application shall give full and adequate information with respect to each of the items set forth in this paragraph. In addition, the application may contain such other information and data as the applicant shall deem necessary or appropriate in order to acquaint the Board fully with the particular circumstances of its case. Among other things, every such application shall contain the following information:

(1) The full name and address of the applicant, the nature of its organization (individual, partnership, corporation, etc.) and the name of the State under the laws of which it is organized.

(2) A statement that the applicant is a citizen of the United States as defined by section 1 (13) of the act. It is not required that the application shall contain all the evidence which the applicant is prepared to present at the hearing or otherwise in support of such statement, but the application shall at least indicate the nature and result of its investigations in that matter and the character of the evidence it will be prepared to present in support of citizenship.

(3) An adequate identification of each route for which a certificate is desired, specifying the type or types of service (mail, passengers, and property) to be rendered on each such route, and whether or not such services are to be rendered in scheduled operations. The identification of each route shall name every terminal and intermediate point to be included in the certificate for which application is made.

(4) A map (which may be attached as an exhibit) drawn approximately to scale showing all terminal and intermediate points to be served, giving the approximate mileages between all adjacent points, and the principal over-all distances.

(5) A statement as to the type of aircraft applicant proposes to use in the new service and whether such aircraft is presently owned by the applicant.

(6) If applicant does not hold a certificate of public convenience and necessity authorizing air transportation, the name and type of business of any affiliate, subsidiary, or principal stockholder of applicant engaged in any form of transportation as a common carrier or engaged in any phase of aeronautical activity.

(7) If applicant does not hold a certificate of public convenience and neces-

sity authorizing air transportation, a statement as to whether or not applicant is currently engaged in air transportation pursuant to the authority granted by Part 291 of this chapter.

(8) If the application shows, pursuant to subparagraph (7) of this paragraph that the applicant is currently engaged in air transportation pursuant to the authority granted by Part 291 of this chapter, a statement that all reports due under said part from the applicant have been filed with the Board and the date or dates thereof. No proceedings other than those necessary for amendment or dismissal shall be had on any application which fails to comply with this subparagraph or discloses failure by the applicant to file such a required report while default in filing such report continues.

§ 201.5 Operations other than between fixed points. An application for a certificate authorizing operations other than between fixed points, or not having terminal or intermediate points capable of precise description, need comply with the provisions of § 201.4 (c) (3) and (4) only to the extent that it shall clearly describe the authorization sought by the applicant.

PART 202—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS AIR TRANSPORTATION

Sec.

- 202.1 Applicability.
- 202.2 Nonstop authorization.
- 202.3 Airport authorization.
- 202.4 Service pattern change.
- 202.5 Filing and service of notices and applications.
- 202.6 Provisions as to scheduled stops.
- 202.7 Failure to comply.

AUTHORITY: §§ 202.1 to 202.7 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 401, 52 Stat. 987, 49 U. S. C. 481.

§ 202.1 Applicability. Unless a certificate or the order authorizing the issuance of such certificate shall otherwise provide, there shall be attached to the exercise of the privileges granted by each certificate authorizing an air carrier to engage, in interstate or overseas air transportation pursuant to section 401 of the act such terms, conditions, and limitations as are set forth in this part, and as may from time to time be prescribed by the Board.

§ 202.2 Nonstop authorization. Subject to the provisions of section 405 (e) of the act, the holder of a certificate may inaugurate scheduled nonstop service between any two points not consecutively named in its certificate (if such certificate authorizes service between such points and does not prohibit nonstop service between them) upon the effective date of a scheduled page, showing such nonstop service, filed with the Board in accordance with Part 231 of this chapter.

§ 202.3 Airport authorization—(a) Airport notice. If the holder of a certificate desires to serve regularly a point named in such certificate through the use of any airport not then

regularly used by such holder, such holder shall file with the Board written notice of its intention so to do. Such notice shall be filed at least 30 days prior to inaugurating the use of such airport. Such notice shall be conspicuously entitled Airport Notice, shall clearly describe such airport and its location, and shall state the reasons the holder deems the use of such airport to be desirable. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification) unless and until the Board finds, upon application filed by the holder, that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the Airport Notice whenever the circumstances warrant such action. In no event shall the holder use the provisions of this paragraph as authority to receive passengers at one airport and discharge such passengers at any other airport serving the same point.

(b) Service of notice. A copy of each Airport Notice shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) The Postmaster General, marked for the attention of the Second Assistant Postmaster General;

(2) Each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

(3) The chief executives of the city (or other political subdivision) and of the State, in which are located the currently used airport, the proposed airport, and the point to be served, respectively. (If there be a state commission or agency having jurisdiction of transportation by air, notice shall be served on such commission or agency rather than on the chief executive of the State.)

§ 202.4 Service pattern change—(a) Applicability. This section shall be applicable only to certificates which contain a condition requiring that each trip operated by the holder of the certificate between points named in the route or a segment thereof shall (subject to exceptions set forth in such certificate) serve each terminal and intermediate point.

(b) Application for change in service pattern. If at any time the holder of such a certificate desires to establish a service pattern omitting one or more of the points served or required to be served pursuant to such condition of the certificate, the holder shall make written application to the Board for approval thereof. Such application shall be conspicuously entitled Application for Change in Service Pattern, and shall set forth the facts relied upon to establish that the proposed service pattern is in the public interest and consistent with the holder's performance of a local air transportation service. The Board will grant such application to such extent,

for such periods of time, and subject to such conditions as the Board deems proper and adequate, if it finds that such condition would prevent a proposed service pattern which is in the public interest and consistent with the holder's performance of a local air transportation service.

(c) Service of application. A copy of each Application for Change in Service Pattern shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) The Postmaster General, marked for the attention of the Second Assistant Postmaster General;

(2) Each scheduled air carrier which regularly renders service to or from any point named on the route segment the service pattern of which the holder proposes to change;

(3) The chief executives of each point on such route segment and of each State in which are situated the points on such route segment. (If there be a State commission or agency having jurisdiction of transportation by air, notice shall be served on such commission or agency rather than the chief executive of the State.)

§ 202.5 Filing and service of notices and applications. An original and nine copies of each Airport Notice or Application for Change in Service Pattern shall be filed with the Board, each setting forth the names and addresses of the persons required to be served and stating that service has previously been made on all such persons by personal service or by registered mail. In the case of registered mail, the date of mailing shall be considered the date of service. Each copy of a notice or application served pursuant to this part shall be accompanied by a letter of transmittal stating that such service is made pursuant to Part 202.

§ 202.6 Provisions as to scheduled stops. (a) With respect to a flight carrying any passengers in addition to the crew members, a scheduled stop at a point within the continental United States shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(b) With respect to a flight carrying only property or mail in addition to the crew members, a scheduled stop at a point within the continental United States shall not be scheduled to exceed 2 hours on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(c) A certificate containing a condition or restriction which has the effect of permitting the origination of a flight only at a certain point or points shall not be deemed to permit an increase in passenger or property-carrying capacity (by change of gage, substitution of equipment, addition of extra sections, or otherwise) on any such flight at any point other than a point at which the origination of such flight is authorized. A certificate containing a condition or restriction which has the effect of permitting

the termination of a flight only at a certain point or points shall not be deemed to permit a decrease in passenger or property-carrying capacity on any such flight at any point other than a point at which the termination of such flight is authorized. With respect to a particular flight, a point shall not be deemed to be beyond another specified point within the meaning of such condition or restriction unless the holder serves such other specified point on such flight or omits service thereto pursuant to regulation or other specific authorization (such as authority to render nonstop service, or to suspend service to such point) of the Board.

§ 202.7 *Failure to comply.* It shall be a condition upon the holding of the certificate that any intentional contravention in fact by the holder of the provisions of Title IV of the act or of the orders, rules, or regulation issued thereunder, or of the terms, conditions, and limitations attached to the exercise of the privileges granted by the certificate, even though occurring without the territorial limits of the United States shall (except to the extent that such contravention in fact shall be necessitated by an obligation, duty, or liability imposed by a foreign country) be a failure to comply with the terms, conditions, and limitations of the certificate within the meaning of section 401 (h) of the act.

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

- Sec.
203.1 General.
203.2 Change in approved service plan.
203.3 Nonstop service.
203.4 Requirements of foreign countries.
203.5 Airport notices.
203.6 Compliance.
203.7 Persons upon whom notice must be served.
203.8 Manner of filing and serving papers.

AUTHORITY: §§ 203.1 to 203.8 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 401, 52 Stat. 987, 49 U. S. C. 481.

§ 203.1 *General.* Unless the order authorizing the issuance of a particular certificate shall otherwise provide, there shall be attached to the exercise of the privileges granted by each certificate of public convenience and necessity authorizing an air carrier to engage in foreign air transportation issued pursuant to section 401 of the Civil Aeronautics Act of 1938, as amended, the terms, conditions, and limitations set forth in this part and such other terms, conditions, and limitations as may from time to time be prescribed by the Board and approved by the President of the United States.

§ 203.2 *Change in approved service plan.* If the holder of a certificate authorizing it to engage in foreign air transportation to a general area desires, as part of its approved service plan, to engage in foreign air transportation to a point in such area not then included in its approved service plan, or to cease to engage in foreign air transportation to a point in such area in its approved service plan, such holder shall make written application to the Board for approval

thereof. Such application shall be conspicuously entitled *Application for Change in Approved Service Plan—Foreign Air Transportation*, shall clearly describe such point, its location, the segment of the approved service plan to which such point is to be added or from which it is to be removed, and shall set forth the facts relied upon to establish that the proposed change in the approved service plan is in the public interest. At the time such application is filed with the Board, a copy thereof shall be served by the holder upon such persons as the Board may require. After the filing of such application the holder may submit to the Board additional information in support of such application and shall file and serve copies of such additional information in the manner required in the case of such application. The Board will grant such application if it finds that such proposed change in the approved service plan is not inconsistent with the public interest.

§ 203.3 *Nonstop service.* (a) If at any time the holder of a certificate desires to render a scheduled nonstop service omitting one or more of the intermediate points served or to be served pursuant to the certificate, and if such nonstop service is not then regularly scheduled by such holder, such holder shall file with the Board written notice of its intention to inaugurate such service. Such notice shall be filed at least 20 days prior to inaugurating such service, shall be conspicuously entitled *Notice of Nonstop Service in Foreign Air Transportation* and shall fully describe such service. At the time such notice is filed with the Board a copy thereof shall be served by such holder upon such persons as the Board may require: *Provided*, That, subject to the provisions of section 405 (e) of the act, nonstop service may be inaugurated between any two points at any time without the filing of the notice herein prescribed, if, during the 12 months preceding such inauguration, nonstop service was regularly scheduled by such holder between such points during a period of at least 45 days.

(b) Such nonstop service may be inaugurated upon the expiration of 20 days after the filing of such notice unless:

(1) The Board notifies such holder within said 20-day period that it appears to the Board that such service may adversely affect the public interest, in which event such service shall not be inaugurated unless and until the Board finds upon application of the holder and after notice and public hearing that the public interest would not be adversely affected by such nonstop service; or

(2) Such service involves a schedule designated for the transportation of mail and the inauguration of such service on such day would be prohibited pursuant to the provisions of section 405 (e) of the act, in which event the inauguration of such service shall be subject also to said section. The Board may, subject to the provisions of section 405 (e) of the act, permit nonstop service to be inaugurated at any time after the filing of the *Notice of Nonstop Service in Foreign Air Transportation* herein prescribed whenever the circumstances warrant such action.

The holder of a certificate issued pursuant to section 401 (e) (1) of the act, may, subject to the provisions of section 405 (e) of the act, continue to render any nonstop service regularly scheduled on the date of issuance of such certificate, although such nonstop service was not regularly scheduled by the holder on August 22, 1938, if the holder files a *Notice of Nonstop Service in Foreign Air Transportation* with respect to such service with the Board within 30 days after such date of issuance: *Provided*, That, if a direct, straight-line course between the points between which such service is operated appears to involve a substantial departure from the shortest course between such points as determined by the route described in the certificate, and if the Board shall, after notice and public hearing, instituted within 90 days after such date of issuance, find that the public interest would be adversely affected by such service on account of such substantial departure, such service shall thereupon be discontinued: *Provided further*, That, subject to the provisions of section 405 (e) of the act, nonstop service may be continued between any two points without the filing of the notice herein prescribed if, during the 12 months preceding the date of issuance of the certificate, nonstop service was regularly scheduled by the holder of the certificate between such points during a period of at least 45 days.

(c) Subject to the provisions of section 405 (e) of the act, nonstop service may be inaugurated between any two points at any time without the filing of the notice herein prescribed if, during the period from June 1, 1941, to May 31, 1942, inclusive, nonstop service was regularly scheduled by such holder between such points during a period of at least 10 days. This authorization shall remain in effect during the present war and thereafter until the Board shall by order declare the authorization terminated.

§ 203.4 *Requirements of foreign countries.* If at any time the holder of a certificate is required, in order to comply with any obligation, duty, or liability imposed by any foreign country (other than any obligation, duty, or liability arising out of a contract or other agreement entered into between an air carrier or any officer, or representative thereof, and any foreign country, if such contract or agreement shall have been disapproved by the Board as being contrary to the public interest):

(a) To inaugurate scheduled nonstop service omitting one or more of the intermediate points named in the certificate or included in the approved service plan and situated in one or more foreign countries; or

(b) To add a stop at a point not named in the certificate, or not included in the approved service plan, and situated in such foreign country; or

(c) To change the terminal point in such foreign country; such holder shall file with the Board written notice of such requirement. Such notice shall be filed within 20 days after the air carrier shall have been advised of such requirement; shall be conspicuously entitled *Notice of Nonstop Service Required by Foreign Country, Notice of Additional Stop*

Required by Foreign Country, or Notice of Terminal Change Required by Foreign Country, as the case may be, and shall fully set forth the facts and circumstances relating to such requirement. At the time such notice is filed with the Board a copy thereof shall be served by the holder upon such persons as the Board may require. Such service may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Board, after notice and public hearing, shall disapprove such service as being contrary to the public interest, or unless and until the Board shall find, after investigation, that such requirement of the foreign country is not in effect.

§ 203.5 *Airport notices.* (a) If the holder of a certificate desires to serve regularly a point through any airport not then regularly used by such holder, such holder shall file with the Board written notice of its intention so to do. Such notice shall be filed at least 30 days prior to inaugurating the use of such airport. Such notice shall be conspicuously entitled Airport Notice—Foreign Air Transportation, shall clearly describe such airport and its location, and shall state the reasons why the holder deems the use of such airport to be desirable. At the time such notice is filed with the Board a copy thereof shall be served by the holder upon such persons as the Board may require. Subject to the provisions of section 405 (e), the use of any such airport may be inaugurated upon the expiration of 30 days after the filing of such notice, unless within said 30-day period the Board shall serve upon the holder an order directing such holder to show cause why such use should not be disapproved: *Provided*, That, subject to the provisions of section 405 (e) of the act, the Board may permit the use of any airport prior to the expiration of such 30-day period whenever the circumstances warrant such action. Upon service of such order, such use shall not thereafter be inaugurated except as may be expressly permitted by such order unless and until the Board finds, after notice and public hearing, that the public interest would not be adversely affected by such use.

(b) If at any time the holder of a certificate is required, in order to comply with any obligation, duty, or liability imposed by any foreign country (other than any obligation, duty, or liability arising out of a contract or other agreement entered into between an air carrier, or any officer or representative thereof, and any foreign country, if such contract or agreement shall have been disapproved by the Board as being contrary to the public interest) to serve regularly a point or points in such foreign country through any airport not then regularly used by such holder, such holder shall file with the Board written notice of such requirement. Such notice shall be filed within 20 days after the air carrier shall have been advised of such requirement; shall be conspicuously entitled Airport Notice—Foreign Air Transportation—Change Required by Foreign Country; and shall fully set forth the facts and circumstances relating to such requirement. The use of such air-

port may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Board, after notice and public hearing, shall disapprove the use of such airport as being contrary to the public interest, or unless and until the Board shall find, after investigation, that such requirement of the foreign country is not in effect.

§ 203.6 *Compliance.* It shall be a condition upon the holding of a certificate that any intentional contravention in fact by the holder of the terms of Title IV of the act or of the orders, rules, or regulations issued thereunder or of the terms, conditions, and limitations attached to the exercise of the privileges granted by the certificate, even though occurring without the territorial limits of the United States, shall, except to the extent that such contravention in fact shall be necessitated by an obligation, duty, or liability imposed by a foreign country, be a failure to comply with the terms, conditions, and limitations of the certificate within the meaning of section 401 (h) of the act.

§ 203.7 *Persons upon whom notice must be served.* A copy of each Application for Change in Approved Service Plan—Foreign Air Transportation, Notice of Nonstop Service in Foreign Air Transportation, Airport Notice—Foreign Air Transportation, Notice of Nonstop Service Required by Foreign Country, Notice of Additional Stop Required by Foreign Country, or Notice of Terminal Change Required by Foreign Country, as the case may be, filed with the Board pursuant to this part by the holder of a certificate of public convenience and necessity, shall be served upon the following:

(a) The Postmaster General, marked for the attention of the Second Assistant Postmaster General, if the holder's certificate authorizes the transportation of mail;

(b) The Secretary of State, marked for the attention of Chief, Aviation Division;

(c) In the case of an Application for Change in Approved Service Plan—Foreign Air Transportation, each scheduled air carrier which is authorized to serve the same general area in which is situated the point to which the holder, as part of its approved service plan, desires to engage, or to cease to engage, in foreign air transportation; and also each scheduled air carrier which is authorized to serve a general area contiguous to the general area wherein such point is situated;

(d) In the case of an Airport Notice—Foreign Air Transportation, each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

(e) In the case of a Notice of Nonstop Service in Foreign Air Transportation or Notice of Nonstop Service Required by Foreign Country, each scheduled air carrier which regularly renders service to or from any point (not located in the continental United States) named in such certificate or located in a general area the holder is authorized by such certificate to serve;

(f) In the case of a Notice of Additional Stop Required by Foreign Country or Notice of Terminal Change Required by Foreign Country, each scheduled air carrier which regularly renders service to or from such additional stop or new terminal point, as the case may be; and

(g) Such other persons as the Board may specially designate in a particular case.

§ 203.8 *Manner of filing and serving papers.* Service of a copy of an application or notice upon any person pursuant to this part may be made by personal service, or by registered mail addressed to such person. Whenever service is made by registered mail, the date of mailing shall be considered as the time when service is made. Each copy of a notice, served pursuant to this part shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this part. An executed original and nine copies of each such notice shall be filed with the Board, and each such copy shall be accompanied by a statement to the effect that the air carrier has served a copy thereof upon each such person required to be served hereunder. Such statement shall include the names and addresses of the persons upon whom a copy of such notice was served.

PART 205—TEMPORARY SUSPENSION OF SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Sec.

- 205.1 Service of notice.
- 205.2 Contents of notice.
- 205.3 Form and contents of application.
- 205.4 Additional service of notice.
- 205.5 Disposition.
- 205.6 Authorized suspensions of service.

AUTHORITY: §§ 205.1 to 205.6 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 401, 52 Stat. 987, 49 U. S. C. 481.

§ 205.1 *Service of notice.* Prior to or coincident with the filing of any application for temporary suspension of service to or from any point in any certificate of public convenience and necessity (hereinafter referred to as certificate) to or from any point included in an approved service plan designating points which may be served in general areas named in any certificate, the holder of such certificate, unless otherwise authorized by the Board, shall cause a notice of such filing together with a copy of the application to be served by personal service or registered mail upon:

(a) Each scheduled air carrier which regularly renders service to the point for which temporary suspension of service is sought;

(b) The chief executive of the city, town, or other unit of local government at any such point located in the United States or any Territory or possession thereof;

(c) The Secretary of State (marked for the attention of Chief, Aviation Division) if such point is not located in the United States or any Territory or possession thereof;

(d) The Postmaster General (marked for the attention of the Second Assistant Postmaster General) if the applicant's

certificate authorizes the transportation of United States mail to or from such point;

(e) The manager or other individual having direct supervision over and responsibility for the management of the airport being used to serve such point at the time the application is filed.

§ 205.2 *Contents of notice.* Such notice shall state that it is being served pursuant to this part and shall indicate the date upon which the application will be or is being filed.

§ 205.3 *Form and contents of application.* The application shall be entitled Application for Order Authorizing Temporary Suspension of Service and in addition to the specific relief requested, shall contain a list of the persons upon whom notice of the filing thereof was or is being served, and facts relied upon to establish that the temporary suspension of service for which application is made is in the public interest. An executed original and nine copies of such application with a copy of the notice attached to each shall be filed with the Board.

§ 205.4 *Additional service of notice.* Action on the application may be withheld by the Board, in its discretion, pending proof of such additional service of notice by the applicant as the Board may direct.

§ 205.5 *Disposition.* The Board will grant such application if it finds that such temporary suspension of service is in the public interest. In case a certificate of public convenience and necessity contains a condition or limitation requiring service to a point on each trip or schedule operated on a route or a route segment by the holder of such certificate, an application based upon the fact that the air-carrier operating certificate of the holder does not authorize service to such point through any airport convenient thereto, with any type of aircraft then regularly being used, or proposed to be used, by the holder, will be granted only if the Board finds that such temporary suspension of service will not substantially change the character of the service for which the certificate of public convenience and necessity was granted, and is otherwise in the public interest. An order authorizing temporary suspension of service will be subject to revocation or amendment by the Board at any time.

§ 205.6 *Authorized suspensions of service.* (a) Unless otherwise ordered by the Board, the holder of a certificate shall not be required to file an application or obtain an order of the Board:

(1) For temporary suspension of service to a point named in such certificate, or included in the holder's approved service plan, during such time as the air carrier operating certificate of the holder does not authorize service to such point through the airport and with the type of aircraft last regularly used by the holder to serve such point;

(2) For temporary suspension of service to (i) a point named in a certificate issued pursuant to section 401 (d) or 401 (e) (2) of the act, but never regularly served by the holder after the date of issuance of the certificate, or (ii) a

point included in the holder's approved service plan, but never regularly served by the holder after the date on which such point was included in such approved service plan during such time as the air carrier operating certificate of the holder does not authorize service to such point through any airport convenient thereto with any type of aircraft then regularly being used (or, if the holder is not operating, with any type of aircraft proposed to be used) by the holder for scheduled operations between other points served pursuant to such certificate: *Provided*, That the provisions of this subparagraph shall not apply to the temporary suspension of service to a point by the holder of a certificate of public convenience and necessity if such certificate contains a condition or limitation requiring service to such point on each trip or schedule operated on a route or a route segment by the holder of such certificate; or

(3) In the case of a point named in a certificate issued pursuant to section 401 (e) (1) of the act, for continued temporary suspension of service to such point if such service was suspended during the 30 days immediately preceding July 31, 1939.

(b) With respect to any such point the Board may by order at any time revoke or amend the authority conferred on the holder of a certificate by this section.

PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; TEMPORARY INTERRUPTION OF SERVICE OR CHANGE OF ROUTE

§ 206.1 *Temporary interruption of service.* The temporary interruption of service to or from a point named in a certificate, or included in the holder's approved service plan, caused by adverse weather conditions, or by other conditions which the holder could not reasonably have been expected to foresee or control, shall not be deemed to constitute a temporary suspension of service within the meaning of Part 205 of this chapter or of the terms, conditions, or limitations of such certificate. (Sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 401, 52 Stat. 987, 49 U. S. C. 481)

Permits to Foreign Air Carriers

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

Sec.

211.1 Formal requirements.

211.2 Filing and service.

211.3 Amendments.

211.4 Incorporation by reference.

211.5 General provisions regarding contents.

AUTHORITY: §§ 211.1 to 211.5 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 402, 52 Stat. 991, 49 U. S. C. 482.

§ 211.1 *Formal requirements.* Applications for permits to engage in foreign air transportation under the terms of section 402 of the act (hereinafter called foreign air carrier permits) shall meet the requirements set forth in rule 3 of the Rules of Practice as to execution, number of copies, formal specifications of papers, and verifications. Such verifica-

tions shall be subscribed and sworn to before a notary public or other officer authorized to administer oaths in the jurisdiction in which such application is executed. Notwithstanding the laws of the country of applicant's citizenship, an application verified before a United States consular officer will be deemed to have met the requirements of this section. All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the application to which they are attached.

§ 211.2 *Filing and service.* Applications for foreign air carrier permits shall be forwarded to the Board, through diplomatic channels, by the government of the applicant's country of citizenship, and shall be deemed to have been filed on the date such applications are actually received by the Board. Each applicant shall furnish such additional copies of its application, and shall make such service thereof upon such other persons as the Board may at any time require.

§ 211.3 *Amendments.* Any information which the Board may request of an applicant subsequent to receiving its application, or any information which the applicant deems appropriate to submit thereafter, shall be furnished in the form of an amendment to the original application. All amendments to applications shall be consecutively numbered and shall comply with the requirements of this part as to form, number of copies, verification, and in all other essential respects.

§ 211.4 *Incorporation by reference.* In general it is desirable that incorporation by reference shall be avoided. However, where two or more applications are filed by a single carrier, lengthy exhibits or other documents attached to one may be incorporated in the others by reference if that procedure will substantially reduce the cost to the applicant.

§ 211.5 *General provisions regarding contents.* The statements contained in an application shall be restricted to significant and relevant facts. They shall be free from argumentation or from expressions of opinion, except as such may be required by this part. Each application shall give full and adequate information with respect to each of the items set forth in this section. The application may contain such other information and data as the applicant shall deem necessary or appropriate in order to acquaint the Board fully with the particular circumstances of its case. Among other things, every such application shall contain the following information:

(a) The full name and address of the applicant, the nature of its organization (individual, partnership, corporation, etc.), and, if other than an individual, the name of the country under the laws of which it is organized and the statutory citation of such laws, if any. The citizenship of the applicant should be shown, as well as the percentage of direct and indirect beneficial and non-beneficial interest in applicant held by

each government and aggregate of nationals of each government, other than the government of applicant's citizenship. If the applicant is governmentally owned or controlled in whole or in part, the extent of such governmental ownership or control should be shown.

(b) The name and official address of the competent air authority of applicant's country of citizenship having regulatory jurisdiction over applicant.

(c) An identification of the route or routes to be covered by the permit for which application is made, specifying the type or types of service (mail, passenger, and property) to be rendered on each such route, and whether or not such services are to be rendered in scheduled operations. The identification of each route shall name every terminal and intermediate point to be served by applicant in connection with the service for which a permit is sought.

(d) A map (which may be attached as an exhibit) drawn approximately to scale, showing all terminal and intermediate points, both in the United States and in all foreign countries to be served by applicant in connection with the service for which the permit is sought, giving the approximate air mileages between all adjacent points, and principal over-all distances.

(e) If the application is made pursuant to section 402 (c) of the act, it shall state that a permit for the services applied for was issued by the Secretary of Commerce under section 6 of the Air Commerce Act of 1926, as amended, giving the date of such issuance, and that such permit was in effect on May 14, 1938.

Tariffs of Air Carriers

PART 221—PREPARATION OF TARIFFS OF AIR CARRIERS

Sec.	
221.1	Definitions.
221.2	Form.
221.3	Title page.
221.4	Contents.
221.5	Statement of rates.
221.6	Statement of routes.
221.7	Rules.
221.8	Amendments.
221.9	Supplements.
221.10	Revised and additional pages.

AUTHORITY: §§ 221.1 to 221.10 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 403 and 404, 52 Stat. 992, 993, 49 U. S. C. 483, 484.

§ 221.1 *Definitions.* As used herein, unless the context otherwise requires:

(a) "Carrier" means any air carrier or any foreign air carrier subject to section 403 of the Civil Aeronautics Act of 1938.

(b) "Rates" includes "fares" and "charges."

(c) "Rules" includes "regulations" and "other governing provisions."

(d) "Tariff" means a publication containing rates applicable to the transportation of persons or property, and rules relating to or affecting such rates or transportation, whether such rates and rules are combined in one publication or are stated in separate publications. A "loose-leaf tariff" shall be deemed to consist of that combination of pages, whether original or revised, which is currently effective.

(e) "Local rate" means a rate that applies for service solely over the line or route of one carrier. "Local tariffs" are those which contain local rates or rules.

(f) "Joint rate" means a rate that applies for through service over the lines or routes of two or more carriers and that is made by arrangement between such carriers evidenced by concurrence or power of attorney as provided in Part 222 of this chapter. "Joint tariffs" are those which contain joint rates or rules.

(g) "Through rate" means the total rate from point of origin to destination, whether a local rate, a joint rate, or combination of separately published rates.

§ 221.2 *Form.* (a) All tariffs shall be in book, pamphlet, or loose-leaf form; supplements shall be in book or pamphlet form. The pages of a tariff or supplement shall be 8½ by 11 inches (except that tariffs naming only rates for the transportation of property may be 9½ by 11½ inches) and shall be plainly printed, planographed, stereotyped, or prepared by other similar durable process on paper of good quality.

(b) The type used shall be of size not less than 8-point bold or full-face, except as provided in § 221.3 (a) and except that 6-point bold or full-face type may be used for explanation of reference marks and for column headings.

(c) A margin of not less than 1 inch, without any printing thereon, shall be allowed at the binding edge of each tariff or supplement thereto.

(d) Each carrier shall file tariffs under consecutive C. A. B. numbers. An agent shall file tariffs under his own C. A. B. numbers. Numbers shall run consecutively beginning with the next consecutive number in the existing series, or, if no tariffs shall have been issued previously, beginning with C. A. B. No. 1. Supplements to a tariff shall be numbered as provided in § 221.9 (a). If, for any reason a tariff or supplement is not numbered consecutively with the last filed publication in the same series, such tariffs or supplement must be accompanied by a memorandum explaining why consecutive numbers were not used. When a publication is rejected by the Board as unlawful, the number which it bears must not be again used. Such publication must not thereafter be referred to as canceled, amended, or otherwise, but a publication that is issued to take the place of such rejected publication must bear the notation, "Issued in lieu of C. A. B. No. ----, (or Supplement No. ----), (or ---- Revised page No. ----) rejected by the Board."

(e) Pages of loose-leaf tariffs must be consecutively numbered in the upper right-hand corner as "Original page 1," "Original page 2," etc. (see § 221.10 for numbering original pages issued subsequent to the filing of the original tariff); and must show at the top of the page the name of the publishing carrier or agent (see § 221.3 (a) (2)), the page number, and the C. A. B. number of the tariff, and at the bottom of the page the date of issue, the effective date, and the name, title, and business address of the issuing officer or agent. No alteration in writing or erasure shall be made on any tariff or supplement thereto.

§ 221.3 *Title page.* (a) The title page of every tariff or supplement shall consist of durable flexible paper of sufficient weight and strength to withstand hard usage and shall contain the following information in the order named:

(1) On the upper right-hand corner, the C. A. B. number in prominent bold-face type, which shall, on printed tariffs, be not less than 12 point. Immediately under this number there shall be shown the C. A. B. number or numbers of the tariff or tariffs canceled thereby.

(2) On the upper central portion, the name of the issuing carrier or agent.

(b) Below the name of the carrier or agent:

(1) A statement indicating whether the tariff contains local or joint rates and rules, or a combination thereof;

(2) A brief but reasonably complete statement of the territory within which, or the points from and to, or between which, the rates or rules apply; and, where the application is indicated by states, the names of all states to or from which rates apply;

(3) The date on which the rates and rules will become effective, shown on the lower right-hand corner; and the date on which the publication is issued, on the lower left-hand corner;

(4) The name, title, and address of the person issuing the tariff, near the bottom of the title page.

(c) Every publication which contains rates or rules effective upon a date different from the general effective date of such publication shall show on its title page a notation in substantially the following form:

Effective ----- 19---- (except as otherwise provided herein) or (except as provided on page ----)

(d) On every tariff, supplement, or revised page in which all rates or rules are made effective on less than 30 days' notice under permission or order of the Civil Aeronautics Board, a notation in substantially the following form shall be shown:

Issued on ----- days' notice under (here describe and show date and number of the permission or order, etc.) issued by the Civil Aeronautics Board.

(e) A tariff containing only rates that are intended to apply for a limited period shall show on the title page an expiration date to coincide with the final date upon which such rates are applicable; when limited-period rates are published in the same tariff with permanent rates, such limited-period rates shall be properly reference-marked to indicate their expiration date.

§ 221.4 *Contents.* Tariffs shall contain in the order named:

(a) A table of contents showing the pages in the tariff where information concerning the general subjects covered by the tariff will be found, such subjects to be arranged in alphabetical order in the table, for example:

	Page
Abbreviations.....	
Application of tariff.....	
Baggage.....	
Articles not accepted.....	

If a tariff contains so small a volume of matter that its title page or its interior

arrangement plainly discloses its contents, the table of contents may be omitted.

(b) The corporate names of participating carriers, alphabetically arranged, together with the number of the power of attorney or the concurrence of each under which the tariff is issued.

(c) A complete index, alphabetically arranged, of all articles upon which specific rates are named therein, making reference to each page where specific rates on each article are published. The index may also include a list of articles that will not be accepted for transportation. If all of the specific rates to each destination in a general property tariff or a combined passenger and property tariff is arranged in alphabetical order by articles, the index of articles may be omitted from that tariff.

(d) Alphabetical indexes of points of origin and destination from and to or between which rates are named in the tariff, unless such points are arranged in continuous alphabetical order in the tables naming the rates, and appropriate conspicuous notation of that fact appears on the title page of the tariff or supplement. Such indexes must show precisely and clearly (by use of point index or item or page numbers) the place or places in the tariff where the rates from or to each point may be found. Reissuance of pages containing such indexes will be required when the indexes do not permit ready and convenient location of all of the rates from or to each point. Separate indexes of points of origin and destination shall be provided, except that when all, or substantially all, of the rates named in the tariff apply in both directions between the points shown therein, the points of origin and destination may be combined in one index. The State or other governmental unit in which each point is located must be shown in each index.

(e) Explanation of reference marks, symbols, and abbreviations of technical terms used in the tariff, if not explained on the pages where such reference marks, symbols, and abbreviations are used.

(f) Such explanatory statements as may be necessary to remove all doubt as to the proper application of the rates and rules contained in the tariff. When rates are published for account of any carrier under authority of a limited concurrence or of a limited power of attorney, there shall be included in this section of the tariff such statement as is necessary to indicate clearly and definitely the extent to which the published rates apply for account of such carrier.

(g) General rules which govern the tariff, i. e., state conditions which in any way affect the rates named in the tariff, or the service under such rates. Each rule should be given a separate number. A rule affecting a particular rate must be specifically referred to in connection with such rate, except that rules affecting a limited number of the rates contained in the tariff, or applying for the account of only certain of the carriers for whom the rates are published, may be included in the explanatory statements authorized in paragraph (f) of this section. Reference to any rule published

under the immediately preceding exception must be made in such manner as to leave no doubt concerning the application of the rates. A rate tariff may not refer to another rate tariff for rules.

(h) A statement of charges for excess baggage, sleeper service, and any other like services unless such charges are included in the statement of the rules governing such services.

(i) A statement of rates applicable for transportation of persons and property between the points named in the tariff as more particularly set forth in § 221.5.

(j) A clear and explicit statement of routes over which the published rates apply prepared in accordance with the provisions of § 221.6.

§ 221.5 *Statement of rates.* (a) If the same tariff contains rates for the transportation of passengers and rates for the transportation of property (other than the property of passengers carried as baggage), such rates shall be separately stated in distinct passenger and property sections of the tariff.

(b) All rates shall be clearly and explicitly stated (cents or dollars and cents) in terms of lawful money of the United States together with the name or proper designations of the places from and to which they apply; except that rates for transportation originating outside of the United States may be stated in terms of currencies other than lawful money of the United States. Rates stated in terms of foreign currency may be set forth in a separate tariff, or if included in the same tariff, must be set forth in a separate section which shall not precede the statement of rates in terms of lawful money of the United States. A rate stated in terms of lawful money of the United States shall not also be published in terms of a foreign currency. Tariffs may contain such information as may be required under the laws of any country in or to which an air carrier or foreign air carrier is authorized to operate.

(c) Rates for transportation by aircraft must be published for application from airport to airport, and must be stated separately from any charge made by the air carrier, or any subsidiary or affiliate thereof, for ground transportation to or from airports or for pick-up-and-delivery service; however, no separation of charges is necessary when the published rates include ground transportation at no additional charge. The tariff must definitely show any separate charge that is to be made by the air carrier, or any subsidiary or affiliate thereof, for ground transportation or pick-up-and-delivery service. Charges of others for such ground transportation or pick-up-and-delivery service may be shown in the tariff without being deemed to constitute a part thereof; but if shown must be plainly referenced to show that they are published for information only and not guaranteed by the air carrier.

(d) A tariff may provide rates for side trips from or to designated points by the addition of arbitraries to rates shown therein, but provisions for the addition of arbitraries shall be shown either in connection with the base rate or in a

separate section which must specifically name the base point, and clearly and definitely state the manner in which such arbitraries shall be applied.

(e) When specific rates are established, the description of the article must be specific and the rates thereon may not be applied to analogous articles.

(f) When a carrier or carriers establish a local or joint rate for application over a designated route from point of origin to destination, such rate is the applicable rate of such carrier or carriers over that route, notwithstanding that it may be higher than the combination of rates between points on that route.

§ 221.6 *Statement of routes.* All tariffs containing joint passenger rates shall specify the route or routes over which each such rate applies, stated in such a manner that such routes may be definitely ascertained. Tariffs containing local passenger rates shall specify routes in the same manner if optional routing is available. Passenger tariffs must definitely provide that rates named therein apply only over routes specifically shown therein.

§ 221.7 *Rules.* (a) Rules relating to or affecting the application of rates may be published in a tariff other than the tariff naming the rates. The pertinent requirements of §§ 222.1, 221.2, 221.3 and 221.4 must be observed in the publication of rules tariffs.

(b) A rules tariff must provide that it governs only such rate tariffs as make specific reference thereto. Tariffs naming rates subject to a rules tariff must bear the following notation on the title page (or elsewhere as may be appropriate):

Governed, except as otherwise provided herein, by rules shown in (here insert name of issuing carrier or agent) Rules Tariff C. A. B. No. — supplements thereto, and succeeding issues thereof.

§ 221.8 *Amendments.* (a) Any change in or addition to a tariff shall be known as an amendment.

(b) A tariff may be amended at any time (1) by "reissuing" the tariff; i. e., by filing, posting and publishing an entirely new tariff which contains all of the unamended data in the previous tariff as well as a complete statement of the amended data, and which bears the next C. A. B. number in the series and directs the cancellation of the previous tariff; (2) by issuing a supplement (to a book or pamphlet tariff) constructed generally in the same manner, and arranged in the same order, as is the tariff (see § 221.9); or (3) by reprints of the pages of a loose-leaf tariff. (See § 221.10.)

(c) A rate or rule sought to be amended and the amendment thereto cannot be in effect at the same time. All amendments must be effected by specifically canceling the existing rate or rule, and publishing the new rate or rule which amends the existing rate or rule. Cancellation of the existing rate or rule must be made in the publication stating the new rate or rule, except as may be otherwise arranged with the Bureau of Economic Regulation in particular instances.

(d) The nature of each amendment must be indicated by use of the following uniform symbols, which shall be shown and explained in the publication in which they are used (see § 221.4 (e)) and which shall not be used for any other purpose:

- △ or (R) to denote reductions
- ◇ or (A) to denote increases
- △ or (C) to denote changes in wording which result in neither increases nor reductions in charges
- or (N) to denote addition.

(e) When a tariff, supplement or revised page canceling a previous issue omits points of origin or destination, route, rates, or rules contained in the previous issue, the new tariff, supplement, or revised page shall indicate the cancellation in the manner prescribed in paragraph (c) of this section, and, if such omission effects changes in charges or services, that fact shall be indicated by the use of the uniform symbols prescribed in paragraph (d) of this section.

(f) Matter brought forward without change from a tariff or revised page which has not become effective, also all matter brought forward without change from one supplement to another, must be designated "Reissued" in distinctive type and must show the original effective date and the number of the supplement, tariff, or revised page from which it is reissued. Reference marks may be used for this purpose providing the explanations thereof are made in the tariff or supplement in which the reference marks are used. Example: "No. ---- Reissued from C. A. B. No. 1, (or Supplement No. 1) effective ----." (Here show the date upon which the item became effective in the tariff or supplement so named.)

(g) Every publication which consists partly but not wholly of matter established upon less than statutory notice shall show, in connection with each change made effective on less than statutory notice, a notation that such matter is issued on ---- day's notice under ----. (Here give specific reference to the Special Tariff Permission, decision, order, rule, or other authority.) (See § 221.3 (c).)

(h) Amended tariff matter that has been filed with the Board in error may be canceled in full or in part, on or before the date upon which such matter is to become effective, by refiling the existing matter erroneously amended upon less than 30 days' notice without obtaining special tariff permission for short-notice publication, provided that a full explanation of the attending circumstances is given in the letter of transmittal of the refilled matter (see § 222.2 (a) of this chapter). A tariff, supplement or revised page filed under this section must bring forward unchanged the existing tariff matter, properly reference-marked with the following notation:

Cancellation of proposed tariff matter published in error; issued upon less than 30 days' notice under permission granted by § 221.8 of the Economic Regulations of the Civil Aeronautics Board.

§ 221.9 *Supplements.* (a) The first supplement to a tariff shall be identified and numbered on the upper right-hand corner of the title page as follows:

Supplement No. -----

to

C. A. B. No. -----

Subsequent supplements shall be numbered consecutively in like manner. Each supplement shall specify on its title page, immediately under the supplement number and C. A. B. number of the tariff supplemented, the publications which the supplement cancels, and shall also specify the supplements that are in effect. The statement that the supplement cancels conflicting portions of the tariff or prior supplements (without showing the numbers of the prior supplements) shall not be used; cancellations must be specific.

(b) If matter to be amended has been amended by a previous supplement, specific cancellation shall be made of the matter as contained in the previous supplement, and specific reference shall be made not only to the page number or numbers (or other identifying designations) of the previous supplement containing such matter, but to the page number or numbers (or other identifying designations) of the tariff or of the supplement in which the matter was originally established.

(c) A supplement shall contain either a list of carriers participating in the tariff, as amended or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff and effective supplements," to which may be added "except ----." (Here show corrections in, additions to, or eliminations from the original list that are effected by the supplement.) Changes in or additions to the list of participating carriers in the tariff or previous supplements shall be listed alphabetically as provided in § 221.4 (h). When a participating carrier is eliminated by supplement, such supplement must also provide for the cancellation of all rates and routes in which the carrier concurs.

(d) The aggregate volume of supplemental matter currently in effect shall not exceed one-third of the volume of the principal tariff. The Board may direct the reissue of any tariff at any time.

§ 221.10 *Revised and additional pages.*

(a) Reprints of existing pages of a loose-leaf tariff (see § 221.8) for the purpose of amending the existing page shall be known as "revised pages." Each such page shall show the number of the revision and the number of the page, and direct the cancellation of the previous page; for example, "1st Revised Page 1 cancels original Page 1," "2d Revised Page 1 cancels 1st Revised Page 1," "3d Revised Page 1 cancels 2d Revised Page 1." The term "revised page" must not be used to designate additional pages filed for the first time. (See paragraph (c) of this section.)

(b) When a revised title page is issued, the following notation shall be shown immediately under the effective date of the revised title page:

Original tariff effective ----- (Here show effective date of the original tariff.)

(c) When it becomes necessary to publish additional pages in a loose-leaf tariff, such additional pages must be designated "Original." If they are added between pages of the tariff, they must bear the same number as the preceding page, followed by a letter suffix: thus, "Original Page 4-A," "Original Page 4-B," etc. (Revisions of such pages must bear the same number, as "1st Revised Page 4-A.") If additional pages follow the last page of the tariff, they must be given the next consecutive numbers: thus, three pages added at the end of a tariff of 150 pages should be numbered "Original Page 151," "Original Page 152," and "Original Page 153." An original page may not be added for the purpose of changing rates or rules which concurrently appear on other pages of the tariff.

(d) When a revised page is issued which omits rates or rules previously published on the page which it cancels, and such rates or rules are published on a different page, the revised page shall make specific reference to the page on which the rates or rules will be found, and the page to which reference is so made will contain the following notation in connection with such rates or rules:

For ---- (Here insert rates or rules, as the case may be) in effect prior to the effective date hereof, see page ----.

Subsequent revised pages of the same number shall omit this notation insofar as this particular matter is concerned.

(e) The following method shall be used in identifying and checking revised pages filed for the purpose of amending loose-leaf tariffs: Each time revised or additional original pages are filed, such revised and additional original pages shall show, in the lower right-hand corner, correction numbers running in consecutive order beginning with No. 1, each revised and additional original page issued and filed at the same time being given its individual consecutive correction number. A permanent check sheet, containing in numerical order a list of correction numbers beginning with No. 1 and the following provision, shall be filed with the original tariff:

Each time revised or additional original pages are received, check marks should be made on the check sheet opposite the correction numbers corresponding to those appearing in the lower right-hand corner of the revised or additional original pages. If pages are received not bearing consecutive correction numbers, the issuing officer or agent should be requested to furnish the page bearing the correction number for which a page has not been received.

(f) When protective covers for a loose-leaf tariff are used, only such information should appear thereon as will remain constant and in use during the life of the tariff.

(g) Supplements shall not be issued to loose-leaf tariffs except for the purpose of canceling the tariff, or as authorized by § 222.5 of this chapter, or as otherwise permitted by the Bureau of Economic Regulation.

PART 222—FILING AND POSTING TARIFFS OF AIR CARRIERS

Sec.

222.1 Who may file.

222.2 Method of filing.

Sec.	
222.3	Application for special tariff permission.
222.4	Filing of initial tariffs.
222.5	Suspensions.
222.6	Concurrences.
222.7	Powers of attorney.
222.8	Revocation of concurrence or power of attorney.
222.9	Statement of filing with foreign governments.

AUTHORITY: §§ 222.1 to 222.9 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 403 and 404, 52 Stat. 992, 993; 49 U. S. C. 483, 484.

§ 222.1 *Who may file.* (a) Local tariffs shall be filed by an officer or duly authorized agent of the carrier.

(b) Joint tariffs shall be filed by an officer of one of the carriers (to be known as the issuing carrier), or by the duly authorized agent of each of the carriers, parties thereto. Such filing will constitute filing for all carriers parties thereto.

(c) An agent will be deemed to be duly authorized to file a local tariff and/or a joint tariff when appropriate power of attorney has been given to him for the purpose as provided in this part.

(d) A joint tariff may be filed by an officer of the issuing carrier only when each of the other carriers parties thereto has given its concurrence as provided in this part.

(e) A carrier issuing a power of attorney to an agent, or a concurrence to another carrier, to publish and file certain rates shall not publish in its own tariffs rates which duplicate or conflict with those published by such agent or other carrier under such power of attorney or concurrence.

(f) The filing of a tariff with the Board in no way relieves an air carrier from liability for any violation of the act or of regulations issued thereunder.

§ 222.2 *Method of filing.* (a) All tariffs, supplements, and revised pages filed with the Board shall be accompanied by a letter of transmittal 8½ by 11 inches in size, in form substantially as follows:

Tariff Transmittal No. -----

 (Name of carrier or agent in full)

 (Post Office address)
 -----, 19-----

To the CIVIL AERONAUTICS BOARD,
 Tariffs Section, Washington 25, D. C.

Sent you for filing in compliance with the requirements of the Civil Aeronautics Act of 1938, is accompanying publications issued by ----- and bearing C. A. B. No. ----- (or Supp. No. ----- to C. A. B. No. -----) (or ----- revised page No. ----- to C. A. B. No. -----), effective -----, 19-----, for the purpose of (here insert a comprehensive explanation of the accompanying tariff filing). This publication is concurred in by all carriers named therein as participants under continuing concurrences or powers of attorney now on file with the Civil Aeronautics Board, except the following named carriers, whose concurrences or powers of attorney are attached hereto:

 (Signature) -----
 (Title) -----

(b) A letter may be accompanied by more than one publication.

(c) If receipt is desired by the filing carrier or agent, letters of transmittal

must be sent in duplicate, and one copy showing the date of receipt by the Board will be returned to the sender.

(d) Three copies of each tariff, supplement, or revised page must be transmitted to the Board in one package and under one letter of transmittal. The word "tariffs" must appear on the outside of the package, which must be addressed in conformity with the letter of transmittal.

(e) No tariff, supplement, or revised page will be received by the Board unless it is delivered to it free from all charges, including claims for postage.

(f) Tariff publications will be received for filing only by delivery thereof to the Board through normal mail channels or by delivery thereof by hand directly to that office of the Board charged with responsibility for maintaining the official file of tariffs, and will be received for filing only during the established business hours of the Board. A tariff publication will be deemed filed only upon actual receipt by the Board in accordance with such requirements, and any required period of notice will commence to run only from the time of such filing. Tariff publications received by the Board but subsequently rejected for filing will not be returned.

(g) Each carrier shall post and make available for public inspection at each of its stations or offices which are in charge of a person employed exclusively by the carrier, or by it jointly with another person, and at which property is received for transportation or at which tickets for passenger transportation are sold, all of the currently effective tariffs to which it is a party and containing the rates and rules applicable to the transportation by it of the property received or the passengers to whom tickets are sold at such stations or offices. A carrier will be deemed to have complied with the requirement that it "post" tariffs, if it maintains at each such station or ticket office a file of current tariffs in complete form.

(h) Each carrier shall maintain permanently at its principal or general office a complete file of all tariffs issued by it or by its agents, including those tariffs in which it concurs.

(i) The granting of authority to issue tariffs under powers of attorney or concurrences does not relieve the carriers conferring the authority from the necessity of complying with the Board's regulations with regard to posting tariffs. Tariffs issued under such authority must be posted as required by these regulations.

(j) Each file of tariffs shall be kept in complete and accessible form. Employees of the carrier shall be required to give any desired information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire.

§ 222.3 *Application for special tariff permission.* (a) The Civil Aeronautics Act of 1938 authorizes the Board in its discretion and for good cause shown to permit changes in rates on less than statutory notice, and also to permit de-

parture from the Board's regulations. The Board will exercise the power only in cases where actual emergency and real merit are shown. Desire to meet the rates of a competing carrier that has given statutory notice of change in rates will not of itself be regarded as good cause for permitting change in rates or other provisions on less than statutory notice. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances, and must be presented with reasonable promptness after discovery of the error.

(b) Applications for permission to make changes or additions in tariffs on less than statutory notice, or to establish rates, fares, charges, rules and regulations in an initial tariff on less than 30 days' notice, or for waiver of the provisions of this section, must be made by the carrier or agent that holds authority to file the proposed publication.

(c) If the application requests permission to make changes in joint tariffs it must be filed for and on behalf of all carriers parties to the proposed change, and must so state.

(d) Two copies of applications (including amendments thereto and exhibits made a part thereof) shall be sent to the Civil Aeronautics Board, Bureau of Economic Regulation, Tariffs and Service Division, Washington 25, D. C.

(e) Applications for permission to publish on less than statutory or 30 days' notice shall be made on paper 8½ by 11 inches, shall be in substantially the form shown herein below, and shall give all the information required by this rule, together with any other pertinent facts. They shall be numbered consecutively and must bear the signature of the carrier's agent or officer, specifying his title. When the application is made by an agent, appropriate change should be made in the introductory and closing paragraphs of this form.

 (Address)

 (Date)

To the CIVIL AERONAUTICS BOARD,
 Bureau of Economic Regulation,
 Tariffs and Service Division,
 Washington 25, D. C.

Special Tariff Permission Application No. -----

-----, by -----
 (Name of carrier) (Name of officer, specifying title)
 ----- for and on behalf of all carriers parties to its tariff C. A. B. No. -----¹ applies

to the Civil Aeronautics Board for permission under Section 403 of the Civil Aeronautics Act of 1938 and the Economic Regulations adopted pursuant thereto, to put in force the following tariff provisions to become effective ----- days after the filing thereof with the Civil Aeronautics Board:

(Here show matter as directed by par. (f) (1))

¹The form may be modified to the extent necessary to describe tariffs or name carriers but both shall be specifically set forth in application.

Your applicant further represents that the said:

(Here state in numbered paragraphs the data required by par. (f))

(Name of carrier)

By: (Name and title)

(f) Applications for permission to publish on less than statutory or 30 days' notice shall show the following information:

(1) The proposed tariff provisions, clearly and completely. For that purpose, an accompanying exhibit may be used if properly identified and referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish or change a rule, the exact wording of the proposed rule must be given.

(2) The C. A. B. numbers of the tariffs in which the proposed rates or rules will be published. If publication is to be made in supplements or revised pages, this fact shall be shown.

(3) The rates or rules which it is desired to initiate or change, and the C. A. B. numbers of the tariffs (showing supplement and loose-leaf page numbers) in which they are currently effective. Where the matter to be shown is voluminous, or for other reasons is difficult of presentation, it may be included in an accompanying exhibit properly identified and referred to in the application. The extent to which cancellations will be made must be definitely indicated.

(4) The names of all air carriers and agents advised of the proposed rates or rules and whether they have been advised that it is proposed to establish such rates or rules on less than statutory or 30 days' notice. If such carriers or agents have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(5) The special circumstances or unusual conditions which are relied upon as justifying the requested permission, together with any related facts or circumstances which may aid the Board in determining whether the requested permission is justified. (See par. (a) of this section.)

(g) Application seeking waiver of the provisions of this tariff regulation must conform to the requirements of this paragraph insofar as appropriate, and such waiver may be permitted by the Bureau of Economic Regulation of the Board.

(h) A Special Tariff Permission must be used in its entirety and in the manner set forth therein. If it is not desired to use the permission as granted, and less or more extensive or different permission is desired, a new application complying with the provisions of § 222.3 in all respects and referring to the previous permission must be filed.

(i) Any air carrier or foreign air carrier is hereby authorized to file initial tariffs upon less than 30 days' notice or to make tariff changes upon less than statutory notice without further action

by the Board upon the following conditions having been fulfilled:

(1) An application for permission to make tariff changes upon less than statutory notice or file an initial tariff upon less than 30 days' notice has been duly filed in the form, and setting forth the information, required by this section;

(2) Such application has been approved in writing by the Director of the Bureau of Economic Regulation of the Board; and

(3) The initial tariffs shall be filed, and changes in tariffs shall be made, upon such notice as is approved by the Director of the Bureau of Economic Regulation, and shall be only those specifically approved.

(j) In all other cases, initial tariffs shall be filed, and tariff changes shall be made, upon less than 30 days' notice only when and to the extent that a particular application therefor has been approved by the Board.

(k) The Director of the Bureau of Economic Regulation will approve or disapprove in writing any application which has as its only purpose the correction of mechanical, clerical or administrative errors, or any application the disposition of which does not involve new and substantial questions of policy, but in acting upon any such application the Director will be governed by and act in accordance with the provisions of this paragraph. The Director can refer any application to the Board for disposition, and will so refer any application which he is not authorized to approve or disapprove.

(l) Any application disapproved by the Director pursuant to this paragraph is thereby denied, subject to review by the Board as hereinafter provided. In the event of such disapproval, an applicant may within 5 days after it has received written notice thereof file a written request for review of the denial resulting from such disapproval. The Board will thereupon review the matter and enter an order finally disposing of the application.

§ 222.4 *Filing of initial tariffs.* Initial tariffs shall be filed with the Board at least 30 days prior to their effective date.

§ 222.5 *Suspensions.* Whenever the operation of any provision of a tariff, supplement, or loose-leaf page is suspended by the Board, the carrier or agent whose tariff is affected by such suspension shall immediately file, post, and publish a supplement prepared in such form and manner as may be required by the Bureau of Economic Regulation. Protests against and requests for suspension of tariff amendments under section 1002 (g) of the act will not, except under unusual circumstances which must be fully explained, be considered unless they are received by the Board within 5 days after the date such tariff amendments are filed with the Board.

§ 222.6 *Concurrences.* (a) A carrier desiring to give another carrier authority to publish rates or rules in which they, or they and other carriers join, shall give to such other carrier a concurrence in the form set forth below. Concurrences shall be prepared on good paper of dur-

able quality, 8½ by 11 inches in size. They must be prepared in triplicate. The original shall be filed with the Board, the duplicate sent to the carrier to which such authorization is directed, and the third copy retained by the issuing carrier. When more than two carriers join in the same publication each of the concurring carriers shall give its concurrence to the issuing carrier. If not restricted, such concurrence will cover any tariff, supplement, or revised pages published by the issuing carrier in which the concurring carrier is shown as participating.

CONCURRENCE

No. _____

Cancels No. _____

(Correct corporate name of carrier)

(Post Office address)

_____, 19____

Know all men by this instrument:

That, effective on the _____ day of _____, 19____,

(Show correct corporate name of carrier giving concurrence)

assents to and concurs in the publication and filing of any tariff, or supplement, or revised page which _____

(Show correct corporate name of carrier to whom concurrence is given)

may publish and file and in which _____

(Show correct corporate name of carrier giving concurrence)

is shown as a participating carrier, and _____

(Show correct corporate name of carrier giving concurrence)

hereby makes itself a party thereto and bound thereby. (If it be desired to restrict or limit the concurrence, continue at this point with the statement. "In so far only as such tariff provides" following here with a clear and definite statement of the scope of the concurrence which is being given.)

(Correct corporate name of carrier)

By: _____

Attest: _____

_____, Secretary

[CORPORATE SEAL]

Duplicate mailed to _____

(Correct corporate name of carrier)

(Address)

(Date)

(b) A carrier giving a concurrence or concurrences may not itself publish rates or rules which would duplicate or conflict with rates or rules published under such concurrence or concurrences; and must exercise care to avoid giving concurrences to two or more carriers which could result in duplication of or conflict in rates or rules to which it is a party.

(c) A concurrence may be revoked upon not less than 45 days' notice to the Board by filing with the Board and serving at the same time a copy thereof on the carrier to whom the concurrence was given a notice of revocation of concurrence prepared in a manner similar to that prescribed in § 222.7 (d) in respect

RULES AND REGULATIONS

to notice of revocation of power of attorney.

§ 222.7 *Powers of attorney.* (a) The following form shall be used by a carrier to give authority to an agent to publish and file tariffs, supplements and revised pages, for and on behalf of such carrier. (See § 222.1 (a), (b) and (c)). Powers of attorney shall be prepared on good paper of durable quality, 8½ by 11 inches in size. They must be prepared in triplicate. The original shall be filed with the Board, the duplicate sent to the agent designated therein, and the third copy retained by the issuing carrier.

POWER OF ATTORNEY

No. _____
Cancels No. _____

(Corporate name of carrier)

(Post-office address)

19____

Know all men by this instrument:

That, (insert correct corporate name of carrier) makes and appoints (name of principal agent) attorney and agent, (1) for it alone, and (2) for it jointly with other carriers, to publish and file for it all tariffs, supplements, and revised pages it is required to publish and file by the Civil Aeronautics Act of 1938, and the regulations of the Civil Aeronautics Board issued pursuant thereto, and ratifies and confirms all that said attorney and agent may lawfully do by virtue of the authority herein granted and assumes full responsibility for the acts and failures of said attorney and agent.

(If the authority is to be restricted state specifically what authority is conferred, i. e., property rates, charges, rules, regulations, and routings not including air express rates, charges, rules, regulations, or routings; passenger fares, baggage rates, rules, regulations, and routings; Universal Air Travel Plan Tariff, supplements or revised pages thereto and successive issues thereof.)

And further, that (insert correct corporate name of carrier) makes and appoints (name of alternate agent) alternate attorney and agent to do and perform the same acts and exercise the same authority granted to (name of principal agent) in the event and only in the event of the death or disability of (name of principal agent).

By _____
Vice president—Traffic

Attest:

_____, Secretary-Treasurer
[CORPORATE SEAL]

Duplicate mailed to: (Name and address of agent.)

The term "disability" as used in the power of attorney shall mean resignation, permanent transfer to other duties, or other permanent absence, of the principal agent, and not temporary absence of the principal caused by vacation, illness, or other similar reasons.

(b) Powers of attorney, if executed without modification, confer unlimited authority to publish local rates for the carrier issuing the power of attorney and to publish joint rates for such carrier and such other carriers as shall have issued the necessary authority. If it is desired to limit the authority granted to the agent, the form may be modified by adding at the end of the first paragraph the statement: "This authority is restricted to the filing of the publications (or types of publications) set forth below", or by otherwise clearly stating the extent of the authority granted. If it is desired to limit the authority granted

to publication of a particular tariff or tariffs, this may be done by giving a sufficiently accurate description of the title page of each tariff to identify it, and by showing the C. A. B. number, if known. If it is intended that the authority granted shall include supplements to, or reissues of, specifically named tariffs, that fact should be made clear by adding after the designation of the tariff, "supplements thereto and successive issues thereof."

(c) Powers of attorney may not contain authority to delegate to another the power thereby conferred. In giving authority to an agent to publish and file for the carrier by which such authority is issued, care must be taken to avoid duplicating to two or more agents authority which, if used, would result in conflicting rates or other provisions.

(d) A power of attorney may be revoked upon not less than 45 days' notice to the Board by filing with the Board, and serving at the same time a copy thereof on the agent in whose favor the power of attorney was executed, a notice of revocation in the form set forth and prepared in conformity with the requirements prescribed in this paragraph in respect to powers of attorney. Such revocation may be made for the purpose of eliminating agency publication of tariffs (generally or specifically), for the purpose of changing the authority previously granted to an agent without changing the agent, or for transferring authority from one agent and alternate to another agent and alternate. If the revocation is for the purpose of changing the authority previously granted to an agent without changing the agent the revocation notice must be accompanied by the new power of attorney and the form of notice set forth below should be modified to include specific reference to the new power of attorney. When it is desired to transfer authority from one agent and alternate to another agent and alternate, such transfer may be accomplished by filing a new power of attorney for the agent and alternate thereafter to serve, which shall specifically cancel the previous power of attorney. Such new powers of attorney shall bear no effective date. The originals thereof should not be sent direct to the Board but must be forwarded to the new principal agent who, after he has secured all the necessary authorities, must file the originals with the Board all at one time together with three copies of a take-over supplement for each tariff taken over. Such powers of attorney will become effective upon the date they are received by the Board. The power of attorney issued for the purpose of the transfer of agents shall not increase nor decrease the authority contained in the power of attorney being canceled.

NOTICE OF REVOCATION OF POWER OF ATTORNEY

(Correct corporate name of carrier)

(Post office address)

19____

Know all men by this instrument:

Effective _____, 19____, power of attorney No. _____ issued by _____
(Correct

_____ In favor of
corporate name of carrier)

(Name of agent and of alternate, if any)
is cancelled and revoked.

(Correct corporate name of carrier)

By: _____

Attest:

_____, Secretary
[CORPORATE SEAL]

Duplicate mailed to _____

(Name of agent)

(Address)

(Date)

(e) A new agent, or an alternate assuming the duties of his principal, shall file with the Board and post and publish a supplement to each of the effective tariffs issued by the agent superseded. The title page of such supplement shall show no effective date but shall contain a statement substantially as follows: "On and after (here show the effective date of the power of attorney of a new agent, or the date on which the principal ceased to act) this publication shall be considered as the issue of (here show name of new agent or alternate)." When issued by a new agent such supplement shall also contain a list of participating carriers together with reference to the new power of attorney issued by each such carrier. An alternate shall submit to the Board on or before the date of filing of such supplement a sworn statement setting forth the facts which justify such exercise of authority. After an alternate has once exercised the authority granted him, the principal may not thereafter act under the same power of attorney.

§ 222.8 *Revocation of concurrence or power of attorney.* When a power of attorney or concurrence is revoked, appropriate revision or cancellation of the tariff or tariffs must immediately be made effective upon statutory notice. In the event of failure to make such revision or cancellation, the rates in such tariff or tariffs remain applicable and must be observed.

§ 222.9 *Statement of filing with foreign governments.* Every air-carrier tariff, supplement, or revised page containing rates or rules which by treaty, convention, or agreement entered into between any foreign country and the United States are required to be filed with that foreign country, shall include a statement substantially as follows:

The rates, fares, charges, classifications, rules, regulations, practices, and services provided herein have been filed in each country in which filing is required by treaty, convention, or agreement entered into between that country and the United States, in accordance with the provisions of the applicable treaty, convention, or agreement.

PART 223—TARIFFS OF AIR CARRIERS; FREE AND REDUCED RATE TRANSPORTATION

Sec.

223.1 Definitions.

223.2 Persons to whom free and reduced rate transportation may be furnished.

- Sec.
223.3 Passes to be issued.
223.4 Form of pass.
223.5 Carrier's records.
223.6 Carrier's rules.
223.7 Filing of lists.
223.8 Application for authority to carry other persons.
223.9 Effect on other regulations.

AUTHORITY: §§ 223.1 to 223.9 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 403 and 404, 52 Stat. 992, 993, 49 U. S. C. 483, 484.

§ 223.1 *Definitions.* As used in this part, unless the context otherwise requires—

(a) "Carrier" means an air carrier or a foreign air carrier.

(b) An "affiliate" of a carrier means a person—

(1) Who controls such carrier, or is controlled by such carrier or by another person who controls or is controlled by such carrier, and

(2) Whose principal business in purpose or in fact is:

(i) The holding of stock in one or more carriers, or

(ii) Scheduled transportation by air or the sale of tickets therefor, or

(iii) The operation of one or more airports, one or more of which are used by such carrier or by another carrier who controls or is controlled by such carrier or who is under common control with such carrier by another person, or

(iv) Activities devoted to the scheduled transportation by air conducted by such carrier or by another carrier which controls or is controlled by such carrier or which is under common control with such carrier by another person.

(c) Within the meaning of this section, "control" means the beneficial ownership of more than 40 percent of outstanding voting capital stock unless, as to the specific case, the Board shall have determined in a proceeding pursuant to section 408 of the act that control does not exist; such control may be direct or by or through one or more intermediate subsidiaries likewise controlled or controlling through beneficial ownership of more than 40 percent of outstanding voting capital stock.

(d) "Pass" means a written authorization issued by a carrier for free or reduced-rate transportation of persons or property; "annual pass" means such an authorization effective over a period of a calendar year; "term pass" means such an authorization effective over a specified period of less than a year; "trip pass" means such an authorization for a single one-way trip or round trip (whether the return trip is made via the same route as the outbound trip or a different one) between designated points.

(e) "Free transportation" means the carriage by a carrier of any person or property (other than property owned by such carrier) in air transportation without compensation therefor; "reduced-rate transportation" means such carriage for a compensation less than that under the rate, fare, or charge published in the tariffs of such carrier, on file with the Board and otherwise applicable to such carriage.

§ 223.2 *Persons to whom free and reduced rate transportation may be furnished.* Subject to the provisions of the act and the orders, regulations (including this regulation) and rules of the Board now or hereafter in effect, any carrier may at its option provide free or reduced-rate transportation to any or all classes of persons specifically mentioned in section 403 (b) of the act; and in addition thereto, all carriers engaged in overseas or foreign air transportation may furnish free or reduced-rate transportation to:

(a) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in the list of affiliates filed by such carrier pursuant to § 223.7 (a) (3);

(b) Directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mails by air, or conducting transportation by air, in a foreign country, but only over routes and in territories served in such foreign country; and

(c) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest.

§ 223.3 *Passes to be issued.* No carrier shall furnish any free or reduced-rate transportation unless a pass therefor has been issued, except that passes need not be issued:

(a) For any transportation provided for in any tariff on file with the Board and currently effective when such transportation is furnished;

(b) For necessary travel of the carrier's own directors, officers, or employees in the performance of their official duties;

(c) For free or reduced-rate transportation of persons injured in aircraft accidents or of physicians or nurses attending such persons, or with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; or

(d) For free or reduced-rate transportation authorized in any other section of this chapter or order of the Board now or hereafter in effect.

§ 223.4 *Form of pass.* No carrier shall issue any form of pass other than an "annual", "term", or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official named in the list referred to in § 223.7, or the facsimile signature of such an official and the countersignature in ink of some other official or responsible subordinate who is designated by name

and title on the pass, and before presented for transportation such pass must bear the signature in ink of the person to whom issued; *Provided*, That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this section as to form.

§ 223.5 *Carrier's records.* Each carrier shall maintain a record of all passes issued by it, which record shall be filed in such manner as to be accessible and convenient for examination, and shall contain the following information: The type of pass; dates of issuance and expiration; number; to whom issued, including name, address, and eligibility under the act and under this part; privileges accorded thereunder; points between which transportation is authorized, or, in the case of "annual" and "term" passes, the route number or system or particular points, as may be appropriate; and the name of the official upon whose authorization the pass was issued. All correspondence or memorandums relating to free or reduced-rate transportation shall be retained and made a part of the carrier's records. In the case of reduced-rate transportation, the records shall show the amount of the charge assessed or assessable.

§ 223.6 *Carrier's rules.* Each carrier shall file with the Board three copies of all instructions to its employees, and of all company rules and regulations, governing its practices in connection with the issuance and interchange of passes. If no instructions, rules, or regulations are in effect, then three copies of a general statement by an appropriate official of the carrier, comprehensively describing its practices in connection with the issuance and interchange of passes must be filed. Three copies of any change in any such instructions, rules, regulations, or statement of practices must be filed with the Board within 30 days after the effective date of such change.

§ 223.7 *Filing of lists.* (a) Before issuing any pass each carrier shall file with the Board:

(1) A list containing the name and title of each of its officials upon whose authorization passes may be issued,

(2) A list containing the name and title of each of its officials who are authorized to request passes from other carriers, and

(3) In the case of issuance of passes to directors, officers, employees, or members of their immediate families, of any affiliate of such carrier, a list containing all of such carrier's affiliates and showing the exact relationship of each such affiliate to such carrier as respects control and principal business.

(b) Any change in any of such lists must be filed with the Board within 15 days after such change is effective; *Provided*, That an affiliate not previously included in any list filed with the Board must be included in a new list prior to the issuance of any pass to any person authorized to receive such pass by reason of such affiliation.

§ 223.8 *Application for authority to carry other persons.* Any carrier desir-

ing special authorization under section 403 (b) of the act to furnish free or reduced-rate overseas or foreign air transportation to a person or persons not described in that section nor in § 223.2 may apply to the Board, by letter or other writing, for such authorization. The application shall state the identity of the person or persons to whom, and the points between which, such transportation is to be furnished, the time or approximate time of departure, and the carrier's reasons for desiring to furnish such transportation. The application shall contain a definite statement that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. Such application shall be deemed to have been approved and authority for the transportation granted unless the Board shall otherwise advise the carrier within 10 days after the application is received by the Board; *Provided*, That no application filed less than 10 days before the proposed transportation is to be furnished shall be deemed approved unless notice of such approval is received by the carrier prior to the furnishing of the transportation.

§ 223.9 *Effect on other regulations.* Nothing contained herein shall be construed as repealing or amending any provision of any other section of this subchapter.

PART 224—TARIFFS OF AIR CARRIERS; FREE AND REDUCED RATE TRANSPORTATION—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES

Sec.

- 224.1 Safety inspectors.
- 224.2 Requests for access to aircraft.
- 224.3 Traffic control and communications personnel.

AUTHORITY: §§ 224.1 to 224.3 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 601 to 610, 52 Stat. 1007 to 1012, 49 U. S. C. 551 to 560.

§ 224.1 *Safety inspectors.* Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized official or employee of the Board or of the Administrator of Civil Aeronautics who has been assigned to the duty of inspecting during flight such aircraft, its engines, propellers, appliances, route facilities, operational procedures or airman competency.

§ 224.2 *Requests for access to aircraft.* Such carriage without charge shall be granted, (a) on presentation to the appropriate agents of the air carrier of a certificate identifying the person presenting it as being entitled to such carriage signed by the Secretary of the Civil Aeronautics Board, or by the Assistant Administrator for Aviation Safety of the Office of the Administrator of Civil Aeronautics, or by any of the regional administrators of the Civil Aeronautics Administration, and signed by the person presenting it; and (b) on delivery to the appropriate agents of the air carrier, in duplicate, of a "Request for Access to Aircraft" on a form supplied by the Board or by the Administrator stating that the signer thereof

desires access to a certain aircraft of the air carrier from a named point of departure on a designated date and hour to a named destination for the purpose of performing his official duties during flight of such aircraft. The air carrier shall retain one copy of each such request. On or before the 10th day of each month, each air carrier shall forward one copy of all such requests received by it during the second preceding calendar month to the Secretary of the Civil Aeronautics Board, Washington 25, D. C.

§ 224.3 *Traffic control and communications personnel.* Any air carrier may carry without charge on any aircraft which it operates any airway traffic control manager or assistant manager or any communications supervisor or assistant communications supervisor of the Administrator of Civil Aeronautics (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting airway traffic control and communications: *Provided, however*, That no such person shall be carried without charge on a round trip by any air carrier for such purpose more often than once in each year.

Transportation of Mail

PART 231—TRANSPORTATION OF MAIL; MAIL SCHEDULE

Sec.

- 231.1 Filing of general schedules.
- 231.2 Form of schedules.
- 231.3 Title page.
- 231.4 Schedule pages.
- 231.5 Additions and changes.
- 231.6 Number of copies.
- 231.7 Effect of filing.

AUTHORITY: §§ 231.1 to 231.7 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 405 (e), 52 Stat. 994, 49 U. S. C. 485.

§ 231.1 *Filing of general schedules.* Each air carrier authorized to engage in air transportation shall file with the Board a statement, to be known as a "general schedule," showing the points between which the air carrier is authorized to engage in air transportation, all schedules of aircraft which will be operated by the air carrier between such points on the date the general schedule is to become effective, the time of arrival and departure at each point, and the frequency of each schedule. Prior to the date it engages in any scheduled air transportation each such air carrier shall file a general schedule with the Board: *Provided, however*, That an air carrier authorized to engage in air transportation on October 1, 1939, may file its first general schedule hereunder at any time within 20 days thereafter.

§ 231.2 *Form of schedules.* All general schedules and amendments thereto shall be in loose-leaf form, with pages 8½ by 11 inches in size, and shall be plainly typewritten, stereotyped, or mimeographed on durable paper. Each paper shall be printed on one side only, and shall have a left margin at least 1 inch wide.

§ 231.3 *Title page.* The first page of a general schedule shall be designated as a title page and include the following:

- (a) Name of carrier,
- (b) The general schedule number,
- (c) A brief description of the contents,
- (d) The date of issue,
- (e) An effective date, and
- (f) The issuing officer's name and address.

§ 231.4 *Schedule pages.* (a) All pages following the title page shall be consecutively numbered and known as schedule pages. The name of the air carrier shall appear at the top of each schedule page, the page number in the upper right-hand corner, and the general schedule number in the upper left-hand corner. At the bottom of each schedule page shall appear its date of issue and effective date.

(b) Each schedule page shall indicate the route number, if any, and the terminal and intermediate points served by the schedules appearing on the page, shall show the time of arrival and departure of each schedule at such points, and the types of equipment operated on each schedule. Each schedule shall be assigned a trip or flight number. Each schedule shall contain an explanation of all symbols used thereon.

§ 231.5 *Additions and changes.* (a) An additional schedule may be added to a general schedule either by filing a new schedule page or by revising an existing schedule page. A change in a schedule page to show the addition of a new schedule or to show a change in an existing schedule shall be effected by reproducing the entire page. Such changed schedule page shall be designated a revised page, and shall cancel the former page; for example:

1st revised page 1, cancels original page 1.

(b) Any change in an existing schedule on which mail is being transported shall be filed with the Board at least 10 days prior to the effective date of such change: *Provided, however*, That any change in schedule, or the addition of a new schedule, required by an order of the Postmaster General under section 405 (e) of the act shall be filed with the Board by the air carrier on or before the effective date of such order: *And provided further*, That if the Board postpones the effective date of any such order pursuant to section 405 (e) of the act, the air carrier shall revise its general schedule to conform to the action taken on such order by the Board and shall make such revision as promptly as possible but not more than 10 days after the effective date of such order.

(c) Any change in a nonmail schedule, or the addition of a new nonmail schedule, shall be filed with the Board on or before the effective date thereof.

§ 231.6 *Number of copies.* Each air carrier shall transmit to the Board for filing three copies of each general schedule or revised page, accompanied by letters of transmittal (in duplicate if a receipt is desired) listing the general schedule or revised pages that are transmitted for filing. The letter of transmittal and all copies of the material listed therein shall be included in one package addressed to:

Civil Aeronautics Board,
Bureau of Economic Regulation
Tariffs and Service Division,
Washington 25, D. C.

§ 231.7 *Effect of filing.* The filing of a schedule, or a new or revised schedule page, with the Civil Aeronautics Board, shall not relieve an air carrier of requirements made by any other governmental instrumentality, as to filing or reporting.

PART 232—TRANSPORTATION OF MAIL; REVIEW OF ORDERS OF POSTMASTER GENERAL

Sec.

- 232.1 Application for review.
- 232.2 Form and contents of application.
- 232.3 Serving copies of application.

AUTHORITY: §§ 232.1 to 232.3 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 405 (e), 52 Stat. 994, 49 U. S. C. 485.

§ 232.1 *Application for review.* Any person who would be aggrieved by an order of the Postmaster General issued under and within the meaning of section 405 (e) of the act may, within not more than 10 days after the issuance of such order, apply to the Board for a review thereof. An application filed hereunder shall be deemed to have been filed on the date on which it is actually received by the Board at its offices in Washington, D. C.

§ 232.2 *Form and contents of application.* (a) An application filed hereunder may be made in writing or by telegram. An application in writing shall be conspicuously entitled Application for a Review of Order of the Postmaster General Issued under section 405 (e) of the Civil Aeronautics Act, shall specify the schedule affected and identify the order complained of, and shall specify the manner in which the applicant is or would be aggrieved by the order, the relief sought, and the facts relied upon to establish that the public convenience and necessity require that such order be amended, revised, suspended, or canceled by the Board. The execution, number of copies, and verification of a written application filed hereunder, and the formal specifications of papers included in such application shall be in accordance with the requirements of the Rules of Practice relating to applications generally (see Part 302 of this chapter).

(b) If the application for a review is made by telegram, such telegram shall succinctly state the substance of the matters to be set forth in the written application, and shall be confirmed and followed by an application in writing.

§ 232.3 *Serving copies of application.* At the time a written or telegraphic application is filed hereunder a copy thereof shall be served by personal service or registered mail upon the Postmaster General and upon the air carrier operating or ordered to operate the mail schedule in question. Each copy so served shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this section.

PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

Sec.

- 233.1 Postal employees to be carried free.
- 233.2 Credentials required.
- 233.3 Requests to be filed.
- 233.4 Issuance of credentials and transportation request forms by Post Office Department.

AUTHORITY: §§ 233.1 to 233.4 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 405 (m), 52 Stat. 994, 49 U. S. C. 485.

§ 233.1 *Postal employees to be carried free.* Every air carrier carrying the mails shall carry, on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and the following officers, agents, and inspectors of the Post Office Department, when such persons are traveling on official business relating to the transportation of mail by aircraft and are duly accredited as hereinafter provided:

- (a) Postmaster General.
- (b) The Executive Assistant to the Postmaster General.
- (c) The First Assistant Postmaster General; the Third Assistant Postmaster General; the Fourth Assistant Postmaster General; the Second Assistant Postmaster General; his Confidential Assistant; his Under Second Assistant and his four Deputy Second Assistants; the Administrative Officer, Air Postal Transport; the Solicitor of the Post Office Department and the Associate Solicitor and any attorney in the Office of the Solicitor who at the time is assigned by the Solicitor to handle matters relating to the transportation of mail by aircraft; the Chief Inspector and the Assistant Chief Inspector.
- (d) The Director of Domestic Air Postal Transport and the Director of Foreign Air Postal Transport.
- (e) The five Regional Superintendents, and the five Assistant Regional Superintendents, Air Postal Transport, located respectively at New York, N. Y., Chicago, Ill., San Francisco, Calif., Atlanta, Ga., and Fort Worth, Texas; the Regional Superintendents and Assistant Regional Superintendents at Large, Air Postal Transport.
- (f) The General Superintendent, 13th Division, Railway Mail Service, located at Seattle, Wash., and the District Superintendent and Assistant District Superintendent, Railway Mail Service, located at Anchorage, Alaska, when traveling between Seattle, Wash., and Alaska or within Alaska on official business relating to the transportation of mail to, from and within Alaska.
- (g) Any inspector of the Post Office Department.
- (h) Any additional agent or officer of the Post Office Department designated by the Postmaster General.

§ 233.2 *Credentials required.* (a) Any person described in paragraphs (a) to (f), inclusive, of § 233.1 shall be deemed to be duly accredited upon exhibition of a certificate of the Postmaster General that the bearer is one of the persons so described and is entitled to free transportation when traveling on official business relating to the transportation of

mail by aircraft, and bearing the signature of the person so described.

(b) Any person described in paragraphs (g) and (h) of § 233.1 shall be deemed to be duly accredited upon exhibition of proper credentials evidencing that he is an inspector, officer, employee, or agent of the Post Office Department, and upon presentation of a Request for Free Transportation by Air (on such form as the Post Office Department may prescribe) executed by him in triplicate and stating:

- a. The points from and to which the person is to be furnished free transportation;
- b. The tariff fare for the transportation requested, and
- c. The official position of the traveller and that such travel is on official business relating to the transportation of mail by aircraft.

§ 233.3 *Requests to be filed.* Each air carrier on or before the 20th day of each month shall forward one copy of every Request for Free Transportation by Air accepted by it during the preceding calendar month, to the Secretary, Civil Aeronautics Board, Washington 25, D. C., and one copy to the Deputy Second Assistant Postmaster General, Post Office Department, Washington, D. C.¹

§ 233.4 *Issuance of credentials and transportation request forms by Post Office Department.* With regard to free air travel by the persons described in § 233.1 the Postmaster General shall be responsible (a) for the issuance of proper credentials, (b) for prescribing proper transportation request forms where required, and (c) for authorizing such travel, subject to such rules and regulations as he may prescribe.

PART 234—TRANSPORTATION OF MAIL; PETITIONS FOR DETERMINATION OF RATES

Sec.

- 234.1 Number of copies.
- 234.2 Verification.
- 234.3 Amendments.
- 234.4 Formal requirements.
- 234.5 Time of filing.
- 234.6 Contents of petitions.
- 234.7 Service on Postmaster General.

AUTHORITY: §§ 234.1 to 234.7 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 406, 52 Stat. 998, 49 U. S. C. 486.

§ 234.1 *Number of copies.* Ten copies of each petition shall be filed with the Board. Only one of such copies need be actually executed on behalf of the petitioner. The names and titles of all signing officers shall be clearly typed or printed beneath their signatures. All unexecuted copies filed with the Board shall contain typed, printed, or facsimile signatures.

§ 234.2 *Verification.* The signed copy of each petition shall be verified by the petitioner. If the petitioner is a partnership, such verification shall be made by two or more of the partners. If it is a corporation, business trust, or other similar organization, the petition shall

¹ The third copy shall be preserved by the air carrier in its records in compliance with the requirements of this subchapter. See § 249.4 item 48-B.

be verified by three of its officers, who shall be, respectively, the chief executive, the chief financial, and the chief operating officer. In the event of the unavailability of any such officer, the acting officer charged with the responsibility for his duties may execute such verification in his stead. Every such verification shall set forth that the persons verifying the same have read, and are familiar with the contents of, the petition and the attached exhibits; that they intend and desire that, in granting or denying the relief applied for, the Board shall place full and complete reliance on the accuracy of each and every statement therein contained; that they are familiar with the facts therein set forth, and that, to the best of their information and belief, every statement contained in the petition is true and no such statement is misleading. Every such verification shall be subscribed and sworn to before a notary public or other officer authorized to administer oaths in the jurisdiction in which such petition is executed.

§ 234.3 Amendments. If, after receipt of any petition, the Board shall request the petitioner to supply it with additional information, such information, except that furnished in formal proceedings, shall be furnished in the form of an amendment to the original petition. Each amendment (including those made on the petitioner's own initiative) should be consecutively numbered, and shall comply with the requirements of this regulation as to form, number of copies, manner of execution, verification, and all other essential respects. In the event that any petition shall be amended, the amendment shall contain a statement that a copy thereof has been served on the Postmaster General by sending the same to him by registered mail, postpaid, prior to the filing with the Board of such amendment.

§ 234.4 Formal requirements. Every petition shall be made on paper approximately 8½ by 13 inches in size except that exhibits or other documents attached thereto may be folded to those dimensions. Every petition shall be typewritten, printed, or reproduced by some other process which will produce a clear and durable result on firm, tough paper. Each copy must be clear and legible in all respects. A margin of at least 1 inch in width shall be left on the left-hand side of all pages, and all petitions must be bound on that side. All pages of a petition shall be consecutively numbered and the petition shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the petition to which they are attached.

§ 234.5 Time of filing. A petition shall be deemed to have been filed only when it is actually received by the Board at its office in Washington, D. C.

§ 234.6 Contents of petitions. The petition should, in accordance with the provision of section 406 (c) of the act, include a statement of the rate the petitioner believes to be fair and reasonable. In this connection, the rate-making ele-

ments set forth in section 406 (b) of the act should be particularly considered by the petitioner in the preparation of the petition. Opportunity for argument will be given at the public hearing.

§ 234.7 Service on Postmaster General. The petition shall contain a statement that the petitioner has served a copy of the petition on the Postmaster General by sending the same to him by registered mail, postpaid, prior to the filing of the petition with the Board. The petition need not be accompanied by any further proof of service, but, upon setting any petition down for public hearing, the Board will cause notice of such hearing to be given to such interested parties as it deems appropriate in the particular case.

Accounts, Records and Reports

PART 241—FILING OF REPORTS BY CERTIFICATED AIR CARRIERS

Sec.

241.1 Reports of financial and operating statistics.

241.2 Uniform system of accounts.

AUTHORITY: §§ 241.1 and 241.2 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

§ 241.1 Reports of financial and operating statistics. Each air carrier holding a certificate of public convenience and necessity shall make periodic financial and statistical reports to the Board using the appropriate schedules of the Report of Financial and Operating Statistics for Air Carriers, CAB Form 41; Interim Operating Statement and Selected Expenses, CAB Form 41 (a), and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and shall be filed with the Secretary of the Board at times specified by the reporting procedure contained in the Uniform System of Accounts for Air Carriers, effective January 1, 1947, and such amendments thereto as may hereafter be approved by the Board.

§ 241.2 Uniform system of accounts. Each air carrier engaged in scheduled air transportation shall keep its accounts, records, and memoranda in accordance with the Uniform System of Accounts for Air Carriers issued by the Civil Aeronautics Board, dated January 1, 1947, and such amendments thereto as may hereafter be prescribed by the Board.

PART 242—FILING OF REPORTS BY IRREGULAR AIR CARRIERS AND NONCERTIFICATED CARGO CARRIERS

Sec.

242.1 Statistical and flight reports required.

242.2 Statistical reports by small irregular carriers.

242.3 Statistical reports by large irregular carriers and noncertificated cargo carriers.

242.4 Flight reports by large irregular carriers.

242.5 Flight reports by noncertificated cargo carriers.

AUTHORITY: §§ 242.1 to 242.5 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

§ 242.1 Statistical and flight reports required. Statistical reports shall be filed with the Board by each small irregular carrier¹ in accordance with § 242.2, and by each large irregular carrier and noncertificated cargo carrier in accordance with § 242.3. Flight reports shall be filed with the Board by each large irregular carrier in accordance with sub § 242.4 and by each noncertificated cargo carrier in accordance with § 242.5. Each small irregular carrier, large irregular carrier, and noncertificated cargo carrier shall keep all accounts, records, and memorandums (including the accounts, records, and memorandums of the movement of traffic, as well as of the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Such accounts, records, and memorandums as relate to statistical reports shall be preserved for 3 years, and such as relate to flight reports shall be preserved for 1 year. The reports to be filed by such carriers shall be prepared in accordance with the following provisions and shall be certified to be correct by a responsible officer of the reporting carriers.

§ 242.2 Statistical reports by small irregular carriers. (a) For the calendar year 1947 and thereafter for each succeeding calendar year, each small irregular carrier shall file a statistical report. Such report for the year 1947 shall be filed not later than July 15, 1948; and thereafter such report shall be filed within 45 days after termination of the reporting period.

(b) The statistical report shall contain the following data:

(1) *Balance sheet or statement of investment.* At end of reporting period.

(2) *Profit and loss statement.* Insofar as practicable, distinguish items attributable to transportation operations from items attributable to other operations; e. g., plane rentals, flying schools, airport services, etc.

(3) *Airplanes utilized.* Tabulation showing aircraft registration number, type, cost, date of acquisition, and the amount of accrued depreciation for each airplane owned as of the end of the reporting period.

(4) *Personnel.* For the payroll period ending nearest the middle of the last month of the reporting period, specify the number of personnel engaged in transportation operations, the number engaged in other operations, and the total.

(5) *Transportation of passengers or cargo.* (i) Revenue aircraft hours and miles.

(ii) Number of revenue passengers and tons of revenue cargo.

(iii) Revenue passenger-miles and revenue ton-miles of cargo.

¹ Section 292.1 of this subchapter, as to the aircraft units utilized in the transportation services of an irregular air carrier; that, if "the allowable gross take-off weight exceeds 10,000 pounds for any one unit or 25,000 pounds for the total of such units (disregarding units of 6,000 pounds or less), such carrier shall be classified as a 'large irregular carrier', otherwise, such carrier shall be classified as a 'small irregular carrier'."

§ 242.3 *Statistical reports by large irregular carriers and noncertificated cargo carriers.* (a) For the calendar year 1947, and thereafter for the calendar quarter ending March 31, 1948, and for each succeeding calendar quarter, each large irregular carrier and each noncertificated cargo carrier shall file a statistical report. Such reports for the year 1947 and for the first quarter of 1948 shall be filed not later than July 15, 1948, and thereafter, such report shall be filed within 45 days after termination of the reporting period.

(b) Such report shall contain the following data:

(1) *Balance sheet.* As of end of reporting period.

(2) *Profit and loss statement.* Insofar as practicable, distinguish items attributable to transportation operations from items attributable to other operations.

(3) *Airplanes utilized.* Tabulations showing type, aircraft registration number, and date acquired, for each airplane owned or rented as of the end of the reporting period, and indicating whether or not such airplane is utilized in transportation operations. For each airplane owned, such tabulation shall specify the cost thereof and the amount of accrued depreciation. For each airplane rented, such tabulation shall specify the amount of the rental. If data for a particular quarter are the same as those submitted for the previous quarter, a statement to that effect will suffice.

(4) *Personnel.* For the payroll period ending nearest the middle of the last month of the reporting period, set forth data as follows:

(i) The number of flight personnel engaged in transportation and the number of other activities, such as flight training.

(ii) The number of ground personnel engaged in transportation and the number in other activities.

(iii) The total number of personnel.

(5) *Transportation.* For the following data, distinguish between operations which were, and operations which were not, performed under letter of registration:

(i) Revenue aircraft hours and miles, and total aircraft hours and miles.

(ii) Number of revenue passengers and tons of revenue cargo.

(iii) Revenue passenger-miles and revenue ton-miles of cargo.

(6) *Station data.* Reports by noncertificated cargo carriers shall contain also the following information, covering only operations performed pursuant to letter of registration, and set forth by points so authorized to be served:

(i) The number of flights arriving at and departing from each station during the period covered.

(ii) The total tons of cargo enplaned and deplaned at each station during the period covered.

§ 242.4 *Flight reports by large irregular carriers.* (a) Commencing with a report for the second calendar quarter of 1948, the 3 months' period ending June 30, 1948, each large irregular air carrier shall file a flight report for each calendar quarter within 20 days after the termination of the reporting period.

No. 124—4

Data reported pursuant to paragraph (b) (1) and (b) (3) of this section shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in carrying out responsibilities under section 412 of the act.

(b) Requirements for flight report are as follows:

(1) *Chronological tabulation.* The flight report shall contain a tabulation of all flights other than training and test flights on which no goods or passengers are carried, in chronological order, setting forth the following data for each such flight:

(i) Registration number of the aircraft.

(ii) An indication by the letters "D", "P", "C", or "PC" whether the flight was "deadhead" or carried "passengers," or "cargo," or both "passengers and cargo."

(iii) The date of departure from the point of origin and from all points at which passengers or cargo were enplaned or deplaned, and the terminal point. List such points in the order served.

(2) *Agreements and manifests.* The flight report shall include memorandums of all oral agreements, copies of all written agreements, and copies of all passenger and cargo manifests covering flights of the following categories:

(i) Each flight on which persons, either revenue or nonrevenue (other than crew required by applicable Civil Air Regulations), were carried between a point in the United States (as defined by section 1 (32) of the Civil Aeronautics Act) and a point outside thereof.

(ii) Each flight which, in the opinion of the carrier, was not in common carriage.

(3) *Other data.* For each flight of the categories designated by subparagraph (2) of this paragraph, a tabulation of the following data shall be submitted (unless the information is available from instruments filed pursuant to said item):

(i) Name and address of the person for whom the flight was operated.

(ii) Manner in which passengers and cargo transported on such flight were obtained (solicitation, advertising, circular, etc.)

(iii) Nature, terms, and conditions of the arrangements for such flight.

(iv) Obligations and responsibilities of the parties to the arrangement in connection with the transportation.

(v) Number of persons (other than crew required by applicable Civil Air Regulations) carried on each flight of the category designated by subdivision (1) of this subparagraph.

(4) *Agreements with agencies, etc.* The flight report shall state whether or not any passengers or cargo were transported pursuant to arrangements made with any traffic generating agencies (such as ticket agents, travel agents, travel bureaus, forwarders, consolidators, etc.), and shall include memorandums of all oral agreements and copies of all written agreements covering any such arrangements. For each such arrangement, a tabulation of the following data shall be submitted (unless the information is available from the instruments filed):

(i) Name and address of the agency party to the arrangement.

(ii) Nature, terms, and conditions of the arrangement, including basis on which agency compensation is computed.

(iii) Obligations and responsibilities of the parties in connection with the transportation.

(iv) Statement as to whether or not there was any expressed or implied agreement as to number of flights to be operated or amount of space to be made available.

§ 242.5 *Flight reports by noncertificated cargo carriers.* (a) For the calendar quarter ending March 31, 1948, each noncertificated cargo carrier shall file a flight report by July 15, 1948, and for each succeeding calendar quarter shall file such report within 20 days after the termination of the respective reporting period. Data reported pursuant to this section shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure unless reportable pursuant to section 412 of the act.

(b) Requirements for the flight report are as follows:

(1) *Agreements and manifests.* The flight report shall state whether or not any flights of the following categories were operated, and shall include memorandums of all oral agreements, copies of all written agreements, and copies of all passenger and cargo manifests covering any such flights:

(i) All flights on which persons, either revenue or nonrevenue (other than crew required by applicable Civil Air Regulations) were carried.

(ii) All flights to or from any point not authorized to be served by the carrier pursuant to Part 295 of this subchapter.

(2) *Other data.* For each flight of the categories designated by subparagraph (1) of this paragraph a tabulation of the following data shall be submitted (unless the information is available from instruments filed pursuant to said subparagraph):

(i) Name and address of the person for whom the flight was operated.

(ii) Manner in which passengers and cargo transported on such flight were obtained (solicitation, advertising, circular, etc.)

(iii) Nature, terms, and conditions of the arrangements for such flight.

(iv) Obligations and responsibilities of the parties to the arrangement in connection with the transportation.

(v) Number of revenue and nonrevenue passengers and pounds of cargo transported on each flight of the category designated by subparagraph (1) (ii) of this paragraph.

PART 243—FILING OF REPORTS BY ALASKAN AIR CARRIERS

Sec.

243.1 Statistical report required.

243.2 Place of filing.

243.3 Public disclosure withheld.

AUTHORITY: §§ 243.1 to 243.3 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

RULES AND REGULATIONS

§ 243.1 *Statistical report required.* Each Alaskan air carrier which does not hold a certificate of public convenience and necessity, each Alaskan air carrier holding a certificate of public convenience and necessity but relieved from complying with the requirements of § 241.1 of this chapter and each Alaskan pilot-owner (as defined in § 292.8 of this chapter) shall make periodic financial and operating statistical reports to the Board for all periods subsequent to June 30, 1948, using the appropriate schedules of the Report of Financial and Operating Statistics (Alaska), CAB Form 2790 and such amendments thereto as may be approved hereafter by the Board.

§ 243.2 *Place of filing.* The reports required by § 241.1 of this chapter with respect to Alaskan Air Carriers holding certificates of public convenience and necessity, and by § 243.1 shall be filed with the Director of the Alaska Office, at Anchorage, Alaska, at such times as may be specified by the Director and shall be made in accordance with the instructions of the Director relating thereto.

§ 243.3 *Public disclosure withheld.* Data reported by individual Alaskan pilot-owners pursuant to § 243.1 shall be available for official use on behalf of the Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in connection with use of such data in formal proceedings of the Board.

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS

Sec.

- 244.1 Statistical report required.
244.2 Insurance statements.

AUTHORITY: §§ 244.1 and 244.2 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

§ 244.1 *Statistical report required.* (a) Air freight forwarders operating during any portion of the quarter ending December 31, 1948, and subsequent to the filing of applications for letters of registration shall file a statistical report on or before January 31, 1949, in the form and manner herein prescribed. Thereafter, air freight forwarders holding letters of registration, whether or not actually engaged in air-freight-forwarder operations, shall file statistical reports for each succeeding calendar quarter. Such report shall be filed within 30 days after the termination of each calendar quarter and shall be certified to be correct by a responsible officer of the reporting air freight forwarder.

(b) Such statistical report shall contain the following data:

- (1) Balance sheet, prepared in accordance with accepted practices.
- (2) Profit and loss statement, with a separation of expense items so as to indicate payments to direct air carriers.
- (3) Statistical data:
 - (i) Number of shipments received from shippers for carriage by air.
 - (ii) Number of consignments to carriers by air.
 - (iii) Number of tons consigned for shipment by:

Certificated air carriers.
Noncertificated cargo carriers.
Irregular carriers.
Surface carriers (rail, motor other than pick-up and delivery or water).

(4) Station data (list by individual stations):

- (i) Number of personnel engaged in:
 - Selling.
 - Operating.
 - Administrative and other.

(ii) Total number of tons received from shippers for carriage by air.

§ 244.2 *Insurance statements.* With each statistical report each air freight forwarder shall submit a statement of all outstanding cargo and public liability insurance in effect or surety bonds with regard to its operations pursuant to Part 296 of this chapter. Such statement shall identify the companies issuing the policies or bonds, the amounts thereof and a brief statement as to their coverage.

PART 245—REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS

Sec.

- 245.1 Reports required.
245.2 Time for reporting.
245.3 Schedule of data.

AUTHORITY: §§ 245.1 to 245.3 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

§ 245.1 *Reports required.* At the times and in the manner hereinafter provided, each officer and each director of each air carrier shall transmit to the Board a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers.

§ 245.2 *Time for reporting.* Not more than 30 days after such officer or director is first elected or appointed, a report shall be filed covering the period from January 1 of the preceding year to the date of election or appointment; subsequently, a report shall be filed, on or before March 1 of each year, covering such portion of the preceding calendar year as has not been previously reported, or the full year if he so desires.

§ 245.3 *Schedule of data.* The report required in § 245.1 shall be prepared in accordance with the following schedule:

SCHEDULE

- I. Data as to individual reporting. The categories for which data shall be set forth are as follows:
 - (1) Name.
 - (2) Address.
 - (3) Principal occupation.
 - (4) All air carrier positions held (indicate title of position and name of air carrier);
 - (5) Positions held as officer, director, or member of:
 - (a) Common carriers (other than air);
 - (b) Enterprises engaged in any other phases of aeronautics;
 - (c) Enterprises whose principal business is that of holding securities and/or control of air carriers, common carriers, and enterprises which are engaged in any other phases of

aeronautics (giving title of position and name of company or enterprise);

(6) Append the following declaration to the report:

"I hereby declare that this report, including documents attached hereto, has been examined by me, and to the best of my knowledge and belief is a true, correct, and complete report, made in good faith, for the period stated." Execute the declaration, affixing date and signature.

II. Data as to stock or other interests. The categories for which data shall be set forth are as follows:

- (1) Interests held in air carriers;
- (2) Interests held in other common carriers;
- (3) Interests held in any enterprise engaged in any phase of aeronautics other than air carriers;
- (4) Interests held in enterprises whose principal business is that of holding securities and/or control of air carriers, other common carriers, or enterprises which are engaged in any phase of aeronautics other than air carrier. For each of the foregoing categories, the following data shall be set forth:

A. Name of enterprise (corporate or otherwise) in which interest is or was held at any time during the period covered by report.
B. Class of interest, such as common stock, preferred stock, rights, options, etc.; and description of bonds, notes, or other instruments evidencing interest or ownership. (Give names and addresses of all persons (1) by whom any part of the foregoing items were held for reporting individual, (2) for whom any part of the foregoing items were held by reporting individual, (3) who held joint interest with reporting individual in any part of the foregoing items, and state nature of the relationship and the principal business of such persons.)

C. Number of shares or amount of each item reported under "B" held as of the last day of the period covered by report.

D. On all items reported under "C" which equal 5 percent or more of the total outstanding amount of the same class, show such percentages.

E. Indicate by "Yes" or "No," whether reporting individual controlled and/or exercised ALL voting rights of the items reported under "B." If the answer is "No," state amount of voting rights not controlled or exercised by reporting individual and give the names, addresses, and principal business of persons controlling and/or exercising such voting rights.

F. Maximum amount held during period covered by report.

G. On all items reported under "F" which equal 5 percent or more of the total outstanding total amount of the same class show such percentages.

H. Minimum amount held during period covered by report.

PART 246—REPORTS OF STOCK OWNERSHIP OF AFFILIATES OF AIR CARRIERS

Sec.

- 246.1 Definition.
246.2 Stock reports.
246.3 Exceptions.

AUTHORITY: §§ 246.1 to 246.3 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

§ 246.1 *Definition.* For the purposes of this part a person shall be deemed to be an affiliate of an air carrier if it has direct or indirect control over such air carrier, or if it has the power to exercise control over such air carrier.

§ 246.2 *Stock reports.* Except as provided in § 246.3, every affiliate of an air carrier shall submit on or before January 25 of each year:

(a) A report showing, as of the preceding December 31:

(1) The names and addresses of each of its stockholders or members holding more than 5 percent of the entire capital stock or capital, as the case may be, of such affiliate, together with the name and address of any person for whose account, if other than the holder, such stock is held;

(2) The number of shares, and percentage of the total shares issued, held by each such stockholder, and indicating whether such shares are voting, non-voting, common, or preferred; and

(b) A report setting forth, as of the preceding December 31, a description of the shares of stock or other interests held by the affiliate, or for its account, in any common carrier, air carrier, foreign air carrier, or any person engaged in any phase of aeronautics, and a description of the shares of stock or other interests held by the affiliate or for its account in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, common carriers, air carriers, foreign air carriers, or persons engaged in any phase of aeronautics, indicating:

(1) The name of the issuing company;

(2) Whether such stock or other interest is voting, nonvoting, common or preferred, convertible or nonconvertible. (If convertible an explanation of the option shall be set forth.)

(3) The par and book value of such stock or other interests held by the affiliate or for its account, and the amount pledged, unpledged, and held in fund and deposit accounts, and

(4) The total amount of stock or other interests (by class and issue) having voting or conversion rights which have been actually issued by the issuing company and are outstanding (whether or not held by the affiliate reporting hereunder). If convertible, an explanation of the option shall be set forth, and the total amount convertible shall be stated.

§ 246.3 Exceptions. The reports required in § 246.2 need not be filed as of December 31 of any year by any such affiliate:

(1) If such affiliate is an air carrier required to file a report as of December 31 of the same year, pursuant to section 407 (b) of the act; or

(2) If such affiliate is an individual required to file a report as an officer or director of any air carrier, on or before March 1 of the following year, pursuant to section 407 (c) of the act: *Provided, however,* That if between said December 31 and March 1 of the following year any such individual should be relieved of the requirement of filing said report as an officer or director of any air carrier, then the exception herein created shall immediately terminate as to said individual, and said individual shall file, on or before April 1, the report required in § 246.2 (b).

PART 247—DIRECT AIRPORT-TO-AIRPORT MILEAGE RECORDS

§ 247.1 Official mileage record of the Board. The direct airport-to-airport mileage record now maintained, and as hereafter amended or revised from time

to time by the Tariffs and Service Division of the Bureau of Economic Regulation of the Civil Aeronautics Board in the regular performance of its duties, is hereby adopted as the official mileage record of the Board and the mileages set forth therein shall be used in all instances where it shall be necessary to determine direct airport-to-airport mileages pursuant to the provisions of Titles IV and X of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board pursuant thereto. (Sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487)

PART 248—SUBMISSION OF AUDIT REPORTS BY PUBLIC ACCOUNTANTS

Sec.

248.1 Filing of audit reports.

248.2 Withholding from public disclosure.

AUTHORITY: §§ 248.1 and 248.2 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

§ 248.1 Filing of audit reports. Whenever any air carrier shall have caused an annual audit of its books, records, and accounts to be made by public accountants, such air carrier shall file with the Board a special report consisting of a true and complete copy of the audit report submitted by public accountants, including all schedules, exhibits, and certifications included in or attached to such report. Such a report shall be filed in duplicate with the Board within 15 days after the public accountants have submitted their reports to the air carriers, except that no such special report is required to be filed until 30 days after the effective date of this regulation. This section shall apply to all annual audit reports which may have been submitted to any air carrier on or after January 1, 1944.

§ 248.2 Withholding from public disclosure. The special report required to be filed by § 248.1 shall be withheld from public disclosure, until further order of the Board, if such treatment is requested by the air carrier at the time of filing.

PART 249—PRESERVATION OF ACCOUNTS, RECORDS AND MEMORANDA

Sec.

249.1 Definitions.

249.2 Use of certified reproductions.

249.3 Preservation of certified reproductions.

249.4 Time for preservation of records.

249.5 Air freight forwarders.

249.6 Air freight forwarders: administrative and financial records.

AUTHORITY: §§ 249.1 to 249.6 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487.

§ 249.1 Definitions. For the purposes of this part:

(a) "Records" means air carrier records which belong to the categories set forth in § 249.4. The term "records" embraces accounts and memorandums and includes material coming into the possession of an air carrier through acquisition of, or merger with, other air carriers.

(b) "Certified description" means an instrument identifying records by date or period covered and describing them in accordance with § 249.4, which instrument has been pronounced correct in a certificate executed by a responsible officer of an air carrier.

(c) "Certified reproduction" means a photographic reproduction of records, which has been pronounced correct in a certificate executed by a responsible officer of an air carrier, after having been made pursuant to an authorization issued by the Director of the Bureau of Economic Regulation of the Board (1) by circulating, to all air carriers, a communication authorizing the substitution of a photographic reproduction for specified categories of records, or (2) by approving an "application for substitution" filed with him by an air carrier.

(d) "Application for substitution" means an application setting forth: (1) A "certified description" of records relating to a period for which the Board has completed its audit; (2) a description of the photographic process proposed for reproducing such records; (3) a request for approval of the substitution of such reproduction for such records.

§ 249.2 Use of certified reproductions. An air carrier may substitute a "certified reproduction" for the records reproduced.

§ 249.3 Preservation of certified reproductions. All records, and all "certified reproductions" which have been substituted for records, shall be preserved by each air carrier for the respective periods prescribed in § 249.4. Upon the execution of a "certified description," records which have been replaced by a "certified reproduction" and records and "certified reproductions" which have been preserved for the prescribed period, may be destroyed, if further preservation is not necessitated by the requirements of any governmental instrumentality. If, during the prescribed period of preservation, records shall become unavailable through loss, destruction, or otherwise, the air carrier shall, without delay, submit to the Board an explanatory statement and a "certified description" of such records.

§ 249.4 Time for preservation of records.

PERIODS OF TIME PRESCRIBED FOR THE PRESERVATION OF RESPECTIVE CATEGORIES OF AIR CARRIER RECORDS

Item Nos.

- 1-18 Administrative and financial.
- 19 Insurance coverage and claim records.
- 20-23 Revenues.
- 24-32 Expenditures.
- 33-37 Maintenance and overhaul.
- 38-41 Transportation.
- 42-46 Passenger service and reservations.
- 47-56 Miscellaneous.

ADMINISTRATIVE AND FINANCIAL

- 1. Minute books of directors', stockholders' and other committee meetings: Permanently.
- 2. Capital stock and bond records: Permanently.
- 3. Corporate election records, including (A) Official list of voting stockholders, (B) Returned proxies: 1 year after expiration of term.
- 4. Annual and interim reports to stockholders: Permanently.

5. Monthly or other periodical statements and supporting work papers of general balance sheet, income and profit and loss accounts, comparative or otherwise: 5 years.

6. Retired securities: 3 years.

7. Ledgers or ledger accounts:

A. Permanent: (1) General: (2) Investments and Securities; (3) Property and Equipment; (4) Revenue and Expense: Permanently.

B. Others:

(1) Materials and supplies: 6 years.

(2) Bank balances: 3 years.

(3) Expense and working fund advances: 1 year.

(4) Accounts receivable. General: 6 years.

(5) Accounts payable. General: 6 years.

(6) Accounts receivable. Traffic: 2 years.

(7) Accounts payable. Traffic: 2 years.

8. Journals and registers supporting ledger entries: 10 years.

A. Journals (including authorizations, work sheets, or summaries needed to explain journal entries): (1) Journal vouchers (general); (2) Cash receipts; (3) Cash disbursements.

B. Registers: (1) Voucher, (2) Check, (3) Insurance, (4) Deferred charges, (5) Sales, (6) Payroll, (7) Tax.

9. Deeds and franchises: Permanently.

10. Title papers: Until disposition of property or equipment.

11. Contracts, agreements, releases:

A. Contracts:

(1) Involving an interest in realty: Permanently.

(2) With governmental bodies (major contracts): Permanently.

(3) Involving purchase or sale of equipment: 6 years.

(4) Leases: 6 years after termination.

(5) Of agency: 3 years after termination.

(6) Air Travel Plan (including requests for additional cards): 3 years after termination.

(7) Miscellaneous: Until expiration.

B. Releases from direct or contingent liability arising out of actions in tort: 2 years.

12. Tax records:

A. Ad Valorem (according to value):

(1) Real estate (Statements, receipts, and assessment appeals): 2 years after disposition of property.

(2) Personal property (Statements, receipts, reports, and assessment appeals): 10 years.

B. Privilege taxes—statements, receipts, returns or reports, supporting summaries, and assessment appeals (franchise, capital stock, licenses): Permanently.

C. Excise taxes on manufacture, sale or consumption (transportation, sales, gasoline and oil):

(1) Statements, receipts, returns or reports, report summaries and assessment appeals: 10 years.

(2) Details, supporting report summaries: 4 years.

D. Social Security taxes:

(1) State and Federal unemployment insurance:

(a) Receipts; returns or reports; report summaries; assessment appeals: 10 years.

(b) Details supporting report summaries; removal notice forms: 3 years.

(2) Federal old age benefits:

(a) Receipts; returns or report; report summaries; assessment appeals: Permanently.

(b) Details supporting report summaries:

First quarterly returns each year, permanently; other quarterly returns, 10 years.

E. Income:

(1) Federal, State and municipal income tax returns. Information returns, supporting papers, receipts, papers supporting refunds or legal actions relating to income taxes: Permanently.

(2) Detail supporting forms to Federal, State and municipal information returns: 8 years.

13. Fidelity bonds of employees:

A. Individual bonds: 3 years after termination of employment.

B. Blanket bonds: 3 years after expiration of bond.

14. Bulletins, orders, regulations, and other communications from Federal and State regulatory bodies pertaining to the air carrier: 1 year after becoming ineffective or inapplicable.

15. Treasurer's records:

A. Statements and summaries of balances on hand and with depositories or other periodical statements of working cash balances: 1 year.

B. Statements from depositories of funds received, disbursed, and transferred: 3 years.

C. Authorities for transfer of funds from one depository to another: 1 year after expiration.

D. Daily or other periodical statements of the receipts and disbursements of funds: 1 year.

E. Bank deposit books and check book stubs: 3 months after bank reconciliation.

F. Slips or statements giving the postings of miscellaneous receipts and payments of funds when the information contained thereon is shown on other records which are retained: 3 years.

G. Copies of deposit slips and advices of transfer from one depository to another: 3 months after bank reconciliation.

16. Audit reports:

A. Reports, examinations, and audits prepared and certified by independent public accounts: Permanently.

B. Reports of examinations and audits by internal auditors and others: 3 years.

17. Records pertaining to verifications of treasurers' cash or securities: 3 years.

18. Patents and copyright records:

A. Records pertaining to applications on which patents or copyrights issued: Permanently.

B. Records pertaining to applications on which patents or copyrights did not issue: 3 years after abandonment or final rejection.

INSURANCE COVERAGE AND CLAIM RECORDS

19. Insurance coverage and claim records:

A. Insurance: (1) Policies; (2) underwriters' inspection reports of condition of property: until expiration of policy.

B. Claim files including memoranda and reports in connection with loss, damage, personal injury, fire, etc., except claims for refund of transportation charges: 6 years after settlement or rejection.

C. Assignments, attachments, and garnishments involving (1) employees' salaries or (2) direct liability of carrier: 3 years.

REVENUES

20. Sales and ticket reports and other similar reports from stations, offices and agents: 4 years.

21. Ticket and ticket records:

A. Audited ticket coupons: 2 years.

B. Perpetual inventory ticket stock: 3 years.

C. Requisitions and receipts for tickets furnished agents and ticket-selling employees: 3 years.

D. Records and reports incident to ticket refund claims: 3 years.

E. Lost ticket memoranda, certification of loss and receipt for refund: 3 years.

22. Volume travel plan records:

A. Receipts for air travel cards: 1 month after expiration or return of card.

B. Receipts for one-trip travel orders: 3 months after orders are accounted for.

23. Invoices, bills, accounts receivable statements: (A) transportation receipts and one trip travel orders; (B) copies of invoices and supporting papers; (C) credit memoranda; (D) statements (except when used as ledger): 1 year after settlement.

EXPENDITURES

24. Payroll and personnel records:

A. Pay records in general: (1) Control; (2) Individual employee earnings records; (3) Canceled checks or receipts for payment; (4) Pay roll authorization removal, adjustment notices; (5) Pay roll certification; (6) Overtime certification; (7) Absent reports: 6 years.

B. Other records:

(1) Employees' payroll deduction authorization: 1 year after termination of authority.

(2) Clock cards and flight crews' time records: 3 years.

(3) Job expense distribution cards: 3 years.

(4) Records incident to issuance and control of identification badges and cards: 6 months after return of identification media.

C. Personnel records: (1) Applications, (2) contract or employment agreements, (3) bond record, (4) history: 2 years after termination of employment.

25. Vouchers:

A. File of voucher jackets or other (alphabetical, etc.) indexes to vouchers: 3 years.

B. File of voucher jackets with supporting papers attached:

(1) Vouchers involving purchase of property and/or equipment having unit values of \$100.00 or more: permanently.

(2) Vouchers involving payments of workmen's compensation insurance: 10 years.

(3) Other vouchers: 6 years.

C. Paid drafts, checks and receipts for cash paid out except as otherwise herein provided: 6 years.

26. Other equipment and property records:

A. Schedule of budget authorization for retirements: permanently.

B. Approved authorization for retirements: permanently.

C. Depreciation schedules: permanently.

27. Special authorization for expenditures:

A. Equipment and property: permanently.

B. Other: 3 years.

28. Periodical schedules or statements of material and supplies received, issued, and on hand by locations: 3 years.

29. Materials and supplies, physical inventory data:

A. Records of inventories on hand: 3 years.

B. Reconciliation of physical inventory with book balances by account classification: 3 years.

C. Detail inventory cards supporting records of inventories on hand: 1 year.

30. Stores record of materials received: 2 years.

31. Perpetual inventory records and sources of information from which journals for distribution of materials and supplies to expense are prepared:

A. Perpetual inventory cards showing receipts, issues, balances, etc.: 2 years after transfer.

B. Requisitions: 2 years.

C. Notices of stores issues and transfers: 2 years.

D. Stores bin cards: 3 months after discontinuance.

E. Notices of depleted stock: 3 months after replenishment.

F. Records and memoranda of consigned materials: 1 year after settlement.

32. Gasoline and oil: (A) requisitions (requests for issue); (B) notices of issues, transfers, etc.; (C) daily consumption records and motor readings; (D) periodical station summaries: 2 years.

MAINTENANCE AND OVERHAUL

33. Recommendations and approvals for repairs to property and equipment:

A. Log books: Until equipment is sold or 3 years after retirement.

B. Job or work orders: 2 years.

34. Records and reports concerning repairs (excluding job expense distribution detail):

A. Flight equipment:

(1) Maintenance work: (a) Line check and work-performed reports; (b) intermediate line engine check and work-performed reports: 2 years.

(2) Overhaul work: (a) Intermediate main base engine check and work-performed reports; (b) major overhaul check and work-performed reports: until equipment is sold or 3 years after retirement.

B. Ground equipment and property: 2 years.

35. Records of inspections made by public authorities:

A. Certificate of aircraft airworthiness: Until equipment is sold or 3 years after retirement.

B. Recurring inspections: 3 years after next inspection.

C. Other inspections: 3 years.

36. Flight equipment maintenance service schedule showing by type of equipment the units received, released, and on hand: 1 year.

37. Maintenance statistical data by individual units of flight equipment including: (A) accumulated flight time; (B) periodic inspections; (C) maintenance service work performed; (D) mechanical failures, etc.: until equipment is sold or 3 years after retirement.

TRANSPORTATION

38. System report of airplane movements by trip number showing: (A) arrivals; (B) departures; (C) delays; (D) related information: 6 years.

39. Individual trip reports:

A. Operations data: (1) dispatchers clearance forms; (2) weather forecasts (terminal and intermediate); (3) flight plan; (4) radio contacts by or with pilots enroute: 3 months.

B. Other data: (1) records of crews by trip numbers; (2) passenger and cargo manifests; (3) mail manifest, report of mail pouches received and distributed; (4) records and reports of irregularities and delays in handling of passengers, mail, and other cargo: 1 year.

40. Records and reports (internal) and memoranda incident to airplane accidents:

A. Major accidents: 6 years.

B. Minor accidents: 2 years.

41. Air express (records and reports of express received and delivered; delays and irregularities, waybills and related matters): 3 years.

PASSENGER SERVICE AND RESERVATIONS

42. Records of comments and complaints from passengers and others: 1 year.

43. Records and reports of lost and found department: 1 year.

44. Reports incident to meals prepared and served (for requisitions, notices of issue and commissary inventories, see No. 31): 1 year.

45. Reservations reports and records:

A. Cards and charts constituting original source of passengers' names, telephone numbers, etc.: 3 months.

B. Telegrams and radio messages relating to the clearance of space, passenger dispatches, etc.: 3 months.

C. Records and reports relating to errors or irregularities, oversales, no-show passengers, etc.: 1 year.

D. Bulletins of instructions dealing with schedule changes, reservations, procedure sales effort, etc.: 6 months after expiration.

46. Detective and police service reports and records in connection with policing the company's property, detective service, investigations of robberies, attempts to defraud the company: 1 year.

MISCELLANEOUS

47. Purchase records:

A. Purchase orders: 3 years.

B. Requisitions for purchase orders: 1 year.

48. Tariff and other rate authorities:

A. Official tariff regulations and amendments thereto: permanently.

B. Authorizations, records, reports, and supporting papers incident to the transportation of persons at reduced rates or free: 6 years.

C. Correspondence (including bulletins and circulars) and working papers in connection with the making of rates and compilation and interpretation of tariffs: 1 year after cancellation of tariff.

49. Reports to Civil Aeronautics Board, its predecessor (the Civil Aeronautics Authority), and other regulatory bodies:

A. Periodic financial, operating, and statistical reports and supporting papers: permanently.

B. Reports of accidents involving aircraft, mechanical interruption in flight, power-plant failure, and aircraft structural failure and defects; and supporting papers therefor: 2 years after current year.

C. Records and reports of petitions and hearings: 5 years.

50. Engineering records (maps, profiles, specifications; estimates of work; records of engineering studies; records pertaining to extensions, additions, and betterment projects):

A. Projects completed: 6 years after completion.

B. Projects abandoned: 3 years after abandonment.

51. Instructions to employees, agents and others (file copies of books and circulars of instruction on various topics): 2 years after expiration or cancellation.

52. Employees welfare records:

A. Medical:

(1) By individual employee: 2 years after termination of employment.

(2) Other: 1 year.

B. Retirement plan: 6 years after termination of employment or 3 years after notice of death of annuitant.

C. Workmen's compensation:

(1) Accident reports:

(a) Major: 10 years.

(b) Minor: 6 years.

(2) Payroll audits: 3 years.

D. Employees relief, hospital insurance, credit-union, other than records pertaining to the receipt and disbursement of funds: 1 year.

(1) Records pertaining to the receipt and disbursement of funds: same periods as provided for similar records elsewhere herein.

53. Advertising and publicity department records pertaining to displays, photographs, publicity, and advertising copy: 1 year.

54. Records and reports of damage to buildings and equipment not covered by insurance: 3 years.

55. Correspondence:

A. Correspondence (including interoffice memoranda) without which the records specified in provisions considered herein would not be complete: The period prescribed for primary records.

B. Other correspondence: 1 year.

56. Data relating to the destruction of records as provided in this section; authorizations and certificates executed in connection with the reproduction or destruction of records: Permanently.

§ 249.5 *Air freight forwarders.* All air freight forwarders as defined in § 296.1 of this chapter shall retain and preserve the following records and documents for a period of 1 year, unless otherwise ordered by the Board:

1. Shipping documents—airway bills, bills of lading, cargo manifests, receipts, exchange orders, invoices, and similar evidences of shipping transactions;

2. Information to agents and representatives—bulletins, circulars and all instructions to traffic-soliciting personnel;

3. Information to the public—press releases, paid advertisements, pamphlets, brochures, circulars, and bulletins;

4. Agreements—agreements, contracts, documents, and memorandums evidencing any arrangement with agents and representatives, with direct air carriers, with other freight forwarders, or with agents and representatives thereof;

5. Correspondence—all correspondence relating to any of the foregoing.

§ 249.6 *Air freight forwarders; administrative and financial records.* All air freight forwarders shall retain their administrative and financial records and insurance and claim records as specified and referred to in § 249.4 for the periods indicated therein.

Prohibited Interests

PART 251—PROHIBITED INTERESTS; INTERLOCKING RELATIONSHIPS

Sec.

251.1 Application for approval.

251.2 Formal requirements of applications.

251.3 General provisions concerning contents of applications.

251.4 Approval of system of affiliated and subsidiary companies.

251.5 Supplements to applications.

251.6 Uninterrupted tenure; no new applications required.

251.7 Notice of changes in positions.

251.8 Extent of authorization to hold position.

251.9 Revocation of authorization to hold position.

251.10 Effect of order.

251.11 Reports.

251.12 Prior applications.

251.13 Procedure governing disposition of applications.

AUTHORITY: §§ 251.1 to 251.13 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 409, 52 Stat. 1002, 49 U. S. C. 489.

§ 251.1 *Application for approval.* If approval by the Board is desired of an interlocking relationship which would otherwise be prohibited by section 409 (a) of the act (hereinafter in this part referred to as an "interlocking relationship"), an application for such approval shall be filed with the Board by the individual (hereinafter in this part referred to as the "individual applicant") occupying or seeking to occupy the interlocking relationship, and by each air carrier (hereinafter in this part referred to as the "air carrier applicant") in which such individual holds or seeks to hold the position of officer or director. At their election such applicants may join in a single application. If separate applications are submitted it is desirable that all shall be filed at the same time. An application may incorporate by specific reference current information contained in another application in the same matter or in any document then on file with the Board.

§ 251.2 *Formal requirements of applications.* Applications filed pursuant to this part shall conform generally to the outline set forth in § 251.3 and to the requirements of § 302.3 of this chapter, with the additional requirement that each individual verifying the application shall include in his verification a statement that he has personally made a careful investigation of the proposed

interlocking relationship and that the application includes all of the information required by this part and that it contains no misleading statement and does not omit information which would tend to show that the public interest would be adversely affected by the existence of the proposed interlocking relationship. If a joint application is filed it shall be verified by the individual applicant and by a responsible officer of each air-carrier applicant. However, any individual verifying any such joint application may disclaim responsibility for any statements therein except statements concerning matters which are peculiarly within his knowledge. In any such case, however, every allegation contained in the application shall be verified by one or more qualified individuals.

§ 251.3 *General provisions concerning contents of applications.* (a) Each application (except one filed pursuant to § 251.4 shall, among other things, include the following information:

(1) The full name, place of residence, and citizenship of the individual applicant;

(2) The name and address of the major business or professional activity of the individual applicant;

(3) A complete description of the interlocking relationship for which approval is sought, as well as a description of any other interlocking relationship occupied by the individual applicant which has been approved by the Board. (This description shall include the date and manner of the individual applicant's election or appointment to the position or positions which he occupies or seeks to occupy, and shall state the name or names of the persons primarily responsible, directly or indirectly, for his election or appointment. It shall also include a statement of his present or contemplated duties in connection with the interlocking relationship for which approval is sought and the approximate amount of time devoted or expected to be devoted thereto);

(4) The name of the person or persons, if any, whom the individual applicant represents or will represent on the board of directors of each air carrier applicant, together with a statement as to any financial interest held by such person or persons in any air carrier, common carrier, person engaged in any phase of aeronautics otherwise than as an air carrier, or person whose principal business, in purpose or in fact, is the holding of stock in, or control of any other person engaged in any phase of aeronautics;

(5) The name and address of each business (including but not limited to corporations, partnerships, trusts, etc.) of which the individual applicant is an officer, director, partner, trustee, receiver, manager, attorney, agent, or controlling stockholder or employee, the general character of each such business and a description of the individual applicant's financial interest therein;

(6) A complete description of any benefit and of the amount of, and basis for, any money or thing of value (1) received by the individual applicant during

the last year from each air carrier applicant and from any person with whom the individual applicant has or seeks to have an interlocking relationship, whether for services, reimbursement of expenses or otherwise, and (ii) which the applicant contemplates receiving from any such person during the continuance of the interlocking relationship;

(7) The names and titles of all officers and directors of each air carrier applicant, and of each person with whom the individual applicant has or seeks to have an interlocking relationship;

(8) With respect to the individual applicant, a statement that the information contained in the most recent report filed by him with the Board pursuant to Part 245 of this chapter is the same as of the date within 30 days of the filing of the application pursuant to this regulation, or, if such information has changed, a statement setting forth the details of such changes; and with respect to each officer and director of each air carrier applicant other than the individual applicant, a statement that there is presently on file with the Board a report pursuant to Part 245 of this chapter for each such individual officer or director (If no such report is on file with reference to any such officer or director, including the individual applicant, it shall be filed concurrently with the application pursuant to this part);

(9) The names (i) of the largest stockholders, not exceeding 20, who hold 1 percent or more of the voting capital stock of any air carrier applicant and (ii) of the largest stockholders, not exceeding 20, who hold 1 percent or more of the voting capital stock of any person with whom an interlocking relationship is sought by such application to be approved; together with the number of shares of each class of stock held by each of such stockholders and the percentage which such shares bear to the total number of shares of the same class authorized and outstanding, (If all or any part of such shares are held for the account of any person other than the holder, the names of such persons shall be disclosed. If the applicant, after making all reasonable efforts, is unable to obtain disclosure of such information with respect to any of the persons classified under (ii) in the first sentence of this paragraph, the application shall state specifically the efforts made to obtain such information and the reasons why such efforts were unsuccessful);

(10) A description of the shares of stock or other interests held by each air carrier applicant or for its account in persons other than itself;

(11) A full description of any professional, financial or other business transactions or arrangements which have been entered into within 1 year prior to the date of the filing of the application by each air carrier applicant with the individual applicant and by each air carrier applicant or individual applicant with any person with whom the individual applicant has or seeks to have an interlocking relationship, together with a full statement as to any such transactions or arrangements which it is contemplated

may be entered into while such interlocking relationship continues.

(b) Each application shall state fully such further facts as the applicants respectively deem desirable in order to show that the public interest will not be adversely affected by the approval by the Board of the interlocking relationship.

§ 251.4 *Approval of system of affiliated and subsidiary companies.* (a) In the event that an individual occupies or seeks to occupy an interlocking relationship falling within the purview of section 409 (a) of the act which involves only the holding by him of the position of officer or director in two or more companies within the same system of affiliated and subsidiary companies (as hereinafter defined), an application for approval of such relationships need not comply with the requirements of § 251.3 (a) (11) but shall comply with all other requirements of that section. Such application shall also include:

(1) Such information as is necessary to disclose the fact that the companies in which the individual applicant occupies or seeks to occupy the interlocking relationships are members of the system of affiliated and subsidiary companies as defined herein, and

(2) A statement that the individual applicant does not occupy or seek to occupy any interlocking relationship falling within the purview of section 409 (a) of the act other than those within the same system of affiliated and subsidiary companies.

(b) The individual applicant may include in any application made by him pursuant to this part a request for an order authorizing him to hold generally, in addition to the positions so specifically requested, directorships or offices within the same system of affiliated and subsidiary companies, and it shall not be necessary to file a separate application with respect to each such relationship. Any applicant assuming a directorship or office pursuant to such authorization shall, not later than 15 days after assuming such directorship or office, make or cause to be made a full and complete report thereof to the Board. As used in this part, the term "system of affiliated and subsidiary companies" shall include only a specified company and those companies of which it, directly or indirectly, through one or more intermediate companies, owns 50 percent or more of the voting capital stock issued by such companies.

§ 251.5 *Supplements to applications.* Applicants under this part shall, upon requests of the Board and within such time as may be allowed, supplement any application with such information as may be required by the Board. In the event of any substantial change in the information set forth in the application prior to a decision by the Board upon such application, either by reason of the individual applicant's election or appointment to another position or positions involving an interlocking relationship or otherwise, the application shall be supplemented by such information as will fully describe such change. Such

supplements shall comply with the formal requirements of § 251.2.

§ 251.6 *Uninterrupted tenure; no new applications required.* After the individual applicant has been authorized by the Board to hold a particular position, further application in connection with each successive term will not be required so long as he continues in uninterrupted tenure of such position, unless otherwise ordered by the Board.

§ 251.7 *Notice of changes in positions.* In the event of the individual applicant's resignation, withdrawal, or failure of re-election or reappointment with respect to any of the positions for which authorization has been granted by the Board, or in the event of any other material or substantial change therein, the individual and each air carrier applicant shall promptly and not more than 30 days after any such change occurs give notice thereof to the Board, setting forth fully the details of any such change. Such notices shall comply with the formal requirements of § 251.2, except that the verification may be in simple form.

§ 251.8 *Extent of authorization to hold position.* An order by the Board authorizing an individual applicant to hold the position of director of a Company will be construed as sufficient to authorize him to serve also as chairman of the board of directors or as a member or chairman of any committee or committees of such board.

§ 251.9 *Revocation of authorization to hold position.* Any order issued by the Board pursuant to section 409 (a) of the act shall be subject to revocation in whole or in part by the Board at any time if it deems that the public interest will be adversely affected by the holding by the individual applicant of any or all of the positions authorized to be held by such order. If any individual or air carrier applicant knowingly or wilfully withholds any information called for by this part or any other information which may be material or relevant to the application, or misrepresents facts disclosed in the application, such omission or misrepresentation may be considered sufficient cause for the immediate revocation of any such order.

§ 251.10 *Effect of order.* No order of the Board entered in connection with any application filed pursuant to this part shall constitute approval by the Board of any interlocking relationship which was not fully disclosed.

§ 251.11 *Reports.* An individual occupying an interlocking relationship pursuant to authorization of the Board may be required to file such periodic or special reports as the Board may deem necessary.

§ 251.12 *Prior applications.* Any application filed prior to March 10, 1942 shall not be subject to the provisions of this part, except to the extent that the Board may, by appropriate request, in particular cases require compliance with any specific provision or provisions hereof.

§ 251.13 *Procedure governing disposition of applications.* (a) Each appli-

cation will be docketed as received and applicants will be advised of the docket number assigned thereto.

(b) If the Board is convinced by the application and its consideration and investigation thereof that applicants have made a due showing that the public interest will not be adversely affected by the interlocking relationships for which approval is sought, an order of approval will be entered.

(c) If the Board is not convinced that applicants have made a due showing applicants will be advised to that effect by letter. Thereupon applicants may file with the Board a petition in the proceeding for leave to withdraw the application, may request that the application be assigned for hearing, or may submit within a reasonable time to be fixed by the Board such additional information as they believe will result in a due showing.

(d) In the event additional information is submitted, the Board reserves the right to assign the application for hearing on its own initiative or to enter an order of approval or disapproval in accordance with its determination that a due showing has or has not been made.

(e) The Board further reserves the right to vary the procedure herein set forth insofar as necessary or desirable in disposing of any particular application.

Pooling and Other Agreements

PART 261—FILING OF AGREEMENTS

- Sec.
- 261.1 Who shall file.
 - 261.2 Number of copies.
 - 261.3 Formal requirements of documents filed.
 - 261.4 Place and time of filing.
 - 261.5 Certification and verification.
 - 261.6 Modifications or cancellations.
 - 261.7 Contracts or agreements previously filed.

AUTHORITY: §§ 261.1 to 261.7 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 412, 52 Stat. 1004, 49 U. S. C. 492.

§ 261.1 *Who shall file.* (a) The filing of copies of contracts and agreements which are required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938, as amended, shall be made by every air carrier which is a party thereto. However, if the required number of copies are filed by any air carrier which is a party to such contract or agreement, any other air carrier which is a party shall be deemed to have complied with this requirement if it transmits to the Board, within the time prescribed by § 261.4, a signed statement to the effect that it concurs in such filing.

(b) The filing of copies of contracts or agreements evidenced by resolutions or other action of association of air carriers may be effected in the following manner. The Secretary or other authorized officer of the association may be designated as agent for the purpose of making such filing. Each air carrier which is a member of such association shall separately transmit to the Board a written statement, signed by such air carrier, reciting that a designated person or persons holding the office of secretary or other office of the association, or that any person or persons holding a designated office or offices of the associa-

tion is constituted the attorney in fact for the filing of copies of any contracts or agreements evidenced by resolution or other action of the association to which such air carrier may become a party. Such authorizations may be revoked at any time by any air carrier by giving formal notice of revocation to the Board.

§ 261.2 *Number of copies.* (a) Unless express permission to file fewer copies is granted, there shall be filed with the Board three true and complete copies of all contracts and agreements which are required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938, as amended. Oral contracts and agreements required to be filed under the provisions of said section shall be evidenced by true and complete written memorandums and three true and complete copies of such memorandums shall be filed with the Board. The filing of contracts or agreements evidenced by correspondence or by resolutions of associations of air carriers shall be made by filing with the Board three true and complete copies of such correspondence or resolutions, as the case may be.

(b) Additional copies of contracts or agreements shall be furnished to the Board upon request.

§ 261.3 *Formal requirements of documents filed.* All documents filed hereunder shall be on strong, durable white paper and, if possible, not larger than 8½ inches by 13 inches in size, except that tables, charts, maps, and other documents larger than that size may be folded to approximately the required measurements. The left margin should be at least 1½ inches wide and if the document is bound, it should be bound on the left side. One copy of each typewritten document should be carbon-backed.

§ 261.4 *Place and time of filing.* The required number of copies of formal written contracts or agreements shall be filed at the office of the Board in Washington, D. C., addressed to the operations Division, Civil Aeronautics Board, within 15 days after the date of execution thereof. The required number of copies of memoranda of oral contracts or agreements and of correspondence or resolutions evidencing contracts or agreements shall be filed in the same manner, within 30 days after such contracts or agreements have been entered into between the parties. The time of filing prescribed herein may be extended by the Board in exceptional circumstances upon proper application therefor.

§ 261.5 *Certification and verification.* (a) One copy of each formal written contract or agreement filed shall bear the certification of the secretary or other duly authorized officer of the filing party or parties to the effect that such copy is a true and complete copy of the original written instrument executed by the parties.

(b) One copy of each memorandum of oral contracts or agreements filed shall be verified by the secretary or other duly authorized officer of the filing party or parties to such oral contract or agreement. The person or persons verifying

such memorandum shall set forth that they are fully familiar with all the terms and conditions of such oral contract or agreement and that the memorandum filed is a true and complete memorandum thereof.

(c) Copies of correspondence evidencing contracts or agreements shall be accompanied by the certifications of the secretary or other duly authorized officer of the filing party or parties to the effect that such copies are true and complete copies of the originals of such correspondence.

(d) One copy of each contract or agreement evidenced by resolution or other action of associations of air carriers shall bear the certification of the secretary of the association to the effect that such copy is a true and complete copy of the resolution duly adopted by the association on a certain date. The secretary shall also specify in such certification the name of each air carrier which concurred in such resolution or other action and the name of each air carrier member which did not so concur.

§ 261.6 *Modifications or cancellations.* This part shall be applicable to all modifications or cancellations of contracts or agreements required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938, as amended.

§ 261.7 *Contracts or agreements previously filed.* Contracts or agreements which have been filed prior to August 1, 1939, shall not be subject to the provisions of this part, except to the extent that the Board may by appropriate request in particular cases require compliance with any specific provision or provisions hereof.

PART 262—AGREEMENTS BETWEEN AIR CARRIERS AND FOREIGN COUNTRIES

Sec.

- 262.1 Filing required.
- 262.2 Evidence of agreement.
- 262.3 Verification and formal specifications.
- 262.4 Time of filing.

AUTHORITY: §§ 262.1 to 262.4 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 1102, 52 Stat. 1026, 49 U. S. C. 672.

§ 262.1 *Filing required.* Every air carrier shall file with the Board true and complete evidence, as specified in § 262.2 of each agreement in any way affecting or involving operating rights and in force on October 11, 1943 or thereafter issued or entered into as between such air carrier, or any officer or representative thereof, and any foreign country or political subdivision thereof, or any department, agency, officer or representative of such country or subdivision. For the purposes of this part, the term "agreement" means and includes any permit, concession, franchise, contract, understanding, or arrangement, and also any amendment, modification, renewal, rescission or revocation of any thereof.

§ 262.2 *Evidence of agreement.* (a) The evidence of such agreement shall be as follows:

(1) If written in English, three copies thereof;

(2) If written in a foreign language, three copies and three translations thereof;

(3) If oral, three copies of a descriptive memorandum thereof; or

(4) If evidenced by correspondence only, three copies of such correspondence and, if such correspondence, in whole or in part, is written in a foreign language, three translations of the part that is so written.

(b) In any case where translations are required, the copies to be filed shall be copies of official translations if official translations have been made.

§ 262.3 *Verification and formal specifications.* Evidence of agreements filed hereunder shall meet, insofar as possible, the requirements set forth in § 302.3 of this chapter as to verification and formal specifications of papers.

§ 262.4 *Time of filing.* Such evidence shall be filed within 60 days after such agreement has been issued or entered into, except that agreements which have been issued or entered into prior to October 11, 1943 shall be filed within 60 days after such date.

Classification and Exemption of Carriers

PART 290—APPLICATION FOR EXEMPTIONS OF CARRIERS

Sec.

- 290.1 Notice to interested parties required.
- 290.2 Form and contents of application.
- 290.3 Additional service of notice.
- 290.4 Emergency application.

AUTHORITY: §§ 290.1 to 290.4 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 416, 52 Stat. 1004, 49 U. S. C. 496.

§ 290.1 *Notice to interested parties required.* (a) Prior to or coincident with the filing of any application for exemption from the requirements of Title IV of the Civil Aeronautics Act of 1938, as amended, or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, the applicant, unless otherwise authorized by the Board, shall cause a notice of such filing to be served by personal service or registered mail upon all persons who may have an interest in the subject matter of the application; *Provided, however,* That any large irregular carrier, as defined in Part 291 of this chapter, filing such application for exemption prior to June 20, 1949, shall not be required to cause a notice of such filing to be served upon any of the persons having an interest therein if such application requests exemption authority to engage in irregular air transportation other than between specified points. In the case of any application which proposes the furnishing or discontinuance of air transportation to or from any point, the following persons shall be presumed to have an interest in the subject matter of the application:

(1) Any scheduled air carrier which regularly renders service to any point involved in the application;

(2) Any person whose application for a certificate of public convenience and necessity authorizing regular service to or from any such point has been filed with, and has not finally been disposed of, by the Board;

(3) The chief executive of any State, Territory, or possession of the United States in which any such point is located; and

(4) The chief executive of the city, town, or other unit of local government at any such point located in the United States or any Territory or possession thereof.

(b) Such notice shall indicate the date upon which the application will be or is being filed and, unless accompanied by a copy of the application, shall contain a brief statement of the relief requested.

§ 290.2 *Form and contents of application.* The application shall be entitled Application for Exemption Order and in addition to the specific relief requested, shall contain a list of the persons upon whom notice of the filing thereof was or is being served, and facts relied upon to establish that the enforcement of the matter from which exemption is sought is or would be an undue burden upon the applicant by reason of the limited extent of, or unusual circumstances affecting, the operations of such applicant, and is not in the public interest. An executed original and nine copies of such application with a copy of the notice attached to each shall be filed with the Board.

§ 290.3 *Additional service of notice.* Action on the application may be withheld by the Board, in its discretion, pending proof of such additional service of notice by the applicant as the Board may direct.

§ 290.4 *Emergency application.* In the event of an emergency requiring immediate action, an application may be filed by telegraph if it substantially conforms to the requirements hereof as to contents and notice (which notice in such case may be served by telegraph) and states the reasons deemed to necessitate immediate action.

PART 291—CLASSIFICATION AND EXEMPTION OF IRREGULAR AIR CARRIERS

Sec.

- 291.1 Definitions.
- 291.2 Classification.
- 291.3 Small irregular carriers; exemptions.
- 291.4 Small irregular carriers; duration of exemption.
- 291.5 Small irregular carriers; approval of certain interlocking relationships.
- 291.6 Small irregular carriers; effect on other statutes.
- 291.7 Small irregular carriers; conditions to exercise of temporary exemption privilege.
- 291.8 Small irregular carriers; issuance of letter of registration.
- 291.9 Small irregular carriers; restrictions on issuance of letter of registration.
- 291.10 Small irregular carriers; effective period of letter of registration.
- 291.11 Small irregular carriers; nontransferability of letter of registration.
- 291.12 Small irregular carriers; suspension of letter of registration.
- 291.13 Small irregular carriers; revocation of letter of registration.
- 291.14 Small irregular carriers; cancellation of letter of registration.
- 291.15 Large irregular carriers; exemptions.
- 291.16 Large irregular carriers; duration of exemption.

Sec

- 291.17 Large irregular carriers; condition to exercise of temporary exemption privilege.
- 291.18 Large irregular carriers; nontransferability of letter of registration.
- 291.19 Large irregular carriers; suspension of letter of registration.
- 291.20 Large irregular carriers; revocation of letter of registration.
- 291.21 Large irregular carriers; cancellation of letter of registration.
- 291.22 Large irregular carriers; interlocking relationships.
- 291.23 Large irregular carriers; operational limitations.
- 291.24 Nonapplicability.
- 291.25 Separability.
- 291.26 Past violations.

AUTHORITY: §§ 291.1 to 291.26 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 416, 52 Stat. 1004, 49 U. S. C. 496.

NOTE: The following interpretation of Part 291 was adopted by Regulation Serial No. ER-136, 13 F. R. 7769.

Examples of irregular air transportation within the meaning of Part 291. For the guidance of irregular air carriers and other interested parties the Board here sets forth a number of illustrative examples of irregular and regular service. All irregular air carriers should study these examples, for the Board expects to use them as standards to apply to the operations of such carriers.

It should be noted that all of the illustrations included here refer only to actual operations. Such operations indicate a course of conduct constituting the holding out of regular or irregular service, as the case may be. The holding out of regular service may also be brought about by means other than actual operations—for example, although its services are operated irregularly, a carrier may be holding out regular service by reason of the nature and extent of its advertising and traffic solicitation efforts. In other words, an irregular air carrier is not immune from enforcement action if its actual operations are irregular but all the circumstances surrounding its business show that the carrier is holding out regular service.

The illustrations included represent application of the principles announced in *Page Airways, Inc., Investigation*, 6 CAB 1061, *Trans-Marine Airways, Inc., Investigation of Activities*, 6 CAB 1071, and *Investigation of Nonscheduled Services*, 6 CAB 1049, and more particularly of the cease and desist order entered in the *Matter of the Noncertificated Operations of Trans Caribbean Air Cargo Lines Inc.*, Order Serial No. E-370, adopted March 14, 1947. This is emphasized because the Board is not attempting by revision of Part 291 either to enlarge or contract the scope of operations permitted by the regulation.

(1) An irregular air carrier operates between points A and B, in one direction, on the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
[1]	2	3	4	5	6	7
[8]	9	10	11	12	13	14
[15]	16	17	18	19	20	21
[22]	23	24	25	26	27	28
[29]	30	31				

Since these flights are conducted on the same day of each week, the service is not irregular within the meaning of Part 291. Moreover, if over a period of weeks an occasional Sunday flight is omitted, or is operated on some other day of the week, such minor variations in the general pattern of regularity would not cause the service to become an irregular service.

(2) An irregular air carrier operates between points A and B, in one direction, on

the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	1	[2]	3	[4]	5	6
7	8	[9]	10	[11]	12	13
14	15	[16]	17	[18]	19	20
21	22	[23]	24	[25]	26	27
28	29	[30]				

These flights are conducted regularly, twice a week, without frequent and extended definite breaks in service and are obviously not irregular within the meaning of Part 291. Moreover, if over a period of weeks an occasional flight is omitted, or is operated on some other day of the week, such minor variations in the general pattern of regularity would not cause the service to become an irregular service.

(3) An irregular air carrier operates between points A and B, in one direction, on the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	[1]	2	3	4
5	6	[7]	8	9	10	11
12	[13]	14	15	16	17	[18]
19	20	21	[22]	23	24	25
[26]	27	28	29	[30]		

These flights are conducted at regularly recurring periods, or substantially regular periods (every 4, 5 or 6 days), and therefore do not achieve infrequency and irregularity of service through frequent and extended definite breaks in service. Such service is not irregular within the meaning of Part 291.

(4) An irregular air carrier operates between points A and B in one direction, on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	—	—	[1]	2
3	4	[5]	6	[7]	8	9
10	[11]	[12]	13	14	15	16
17	18	[19]	[20]	21	22	23
24	[25]	26	[27]	28	29	30
31						
—	1	[2]	3	[4]	5	6
7	8	9	[10]	11	12	[13]
14	15	16	17	18	19	20
21	[22]	23	24	[25]	26	27
[28]	29	30	[31]			

These flights are conducted twice a week in succeeding weeks without the intervention of other weeks or similar periods at irregular but frequent intervals during which no flights are operated. Such service is not irregular within the meaning of Part 291.

(5) An irregular air carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	—	—	[1]	2
[3]	[4]	5	[6]	7	[8]	9
10	11	[12]	[13]	14	15	16
17	[18]	19	[20]	21	[22]	23
24	25	26	27	28	29	30
[31]						
—	[1]	2	[3]	4	5	[6]
7	8	[9]	[10]	11	12	13
[14]	15	[16]	17	[18]	[19]	20
21	22	23	24	25	26	27
[28]	[29]	30				

In this pattern, unlike the preceding example, two breaks of at least a week occur within a 2-month period. However, operations in the other weeks occur with such frequency that the breaks in service are not of sufficient frequency and extent to compensate for the substantial number of flights conducted with frequency over a substantial period. The flights are not irregular within the meaning of Part 291.

(6) An irregular air carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	—	1	2	[3]	4
5	6	[7]	8	9	[10]	11
12	13	14	15	16	17	18
19	20	[21]	22	23	[24]	25
26	27	[28]	[29]	30	31	
—	—	—	—	—	—	1
2	3	[4]	5	6	[7]	8
9	10	11	12	13	14	[15]
16	17	[18]	19	20	[21]	22
23	24	[25]	26	27	[28]	29
30	31					

The flights do not exceed two per week and the 2-month period includes two definite breaks in service. However, in view of the frequent rendition of service on Tuesdays and Fridays the breaks in service and comparatively small number of flights operated are not sufficient to destroy the pattern of regularity. The service is not irregular within the meaning of Part 291.

(7) An irregular air carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	1	[2]	3	[4]	5	[6]
7	[8]	9	[10]	11	[12]	13
14	15	16	17	18	19	[20]
21	[22]	23	[24]	25	[26]	27
[28]	29	[30]	31			
—	—	—	—	[1]	2	[3]
4	5	6	7	8	9	10
[11]	12	[13]	14	[15]	16	[17]
18	[19]	20	[21]	22	[23]	24
25	26	27	28	29	30	[31]

These flights are operated every other day except for infrequent breaks. Such service is not irregular within the meaning of Part 291.

(8) Four large irregular air carriers agree to utilize the services of a single ticket agency, XYZ Ticket Agency, Inc., with respect to service between points A and B, and to furnish to the agent the dates upon which each will operate between A and B. If the flights, considered in combination, of such carriers between A and B reveal a pattern of operations similar to those shown in examples (1) through (7) above, the combination of flights constitute regular air transportation and each such carrier is deemed to be conducting regular operations between A and B.

(9) An irregular air carrier operates between points A and B, in one direction, on the days of the month which appear in brackets on the following calendar table:

S	M	T	W	T	F	S
—	—	[1]	2	3	4	5
6	7	8	[9]	10	11	12
13	14	15	16	[17]	18	19
20	21	22	23	24	25	[26]
27	[28]	29	30	31		

These flights are conducted on a different day of each week, and are operated only after frequent and definite breaks in service. Although two flights (on the 26th and 28th) were operated within one period of less than one week, this frequency was compensated for by the breaks of at least a week between the other flights. The flights are therefore irregular within the meaning of Part 291.

(10) An irregular air carrier operates between points A and B, in one direction, on the days of the two successive months which appear in brackets on the following calendar table (numerals above and to the left of dates appearing in brackets indicate the number of flights operated on those dates):

S	M	T	W	T	F	S
—	1	2	3	4	5	6
7	8	[9]	[10]	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
[28]	29	30				
—	—	—	1	2	3	4
[5]	[26]	[27]	[28]	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	[29]	[30]	31	

These flights are conducted in such manner that frequent, extended and definite breaks in service occur at irregular intervals and therefore the service is irregular within the meaning of Part 291.

§ 291.1 *Definitions*—(a) *Irregular air carrier*. The term irregular air carrier means any air carrier which (1) directly engages in air transportation, (2) does not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and (3) does not operate, or hold out to the public expressly or by course of conduct that it operates, one or more aircraft between designated points, or within a designated point, regularly or with a reasonable degree of regularity, upon which aircraft it accepts for transportation, for compensation or hire, such members of the public as apply therefor or such property as the public offers. No air carrier shall be deemed to be an irregular air carrier unless the air transportation services offered and performed by it are of such infrequency as to preclude an implication of a uniform pattern or normal consistency of operation between, or within, such designated points.

(b) *Point*. The term "point" as used in this part shall mean any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place.

§ 291.2 *Classification*. (a) There is hereby established a classification of noncertificated air carriers to be designated as "irregular air carriers."

(b) Any irregular air carrier, as classified above, which does not use in its transportation services aircraft units having a gross take-off weight in excess of 10,000 pounds for any one unit or of 25,000 pounds for the total of such units (disregarding units of 6,000 pounds or less), shall be classified as a small irregular carrier.

(c) Any irregular air carrier other than a small irregular carrier shall be classified as a large irregular carrier: *Provided*, That no air carrier shall be so classified unless it holds a letter of registration issued to it as a large irregular carrier pursuant to application therefor filed with the Board before August 6, 1948, and not revoked or cancelled as of May 20, 1949.

§ 291.3 *Small irregular carriers; exemptions*. Except as otherwise provided in this section, each small irregular carrier, falling within the classification above, shall be temporarily exempt from the following provisions of Title IV of the Civil Aeronautics Act of 1938, as amended:

- (a) Subsection 401 (a);
- (b) Section 403;
- (c) Subsection 404 (a); *Provided*, That small irregular carriers shall abide by

those provisions of this subsection which require air carriers to provide safe service, equipment and facilities in connection with air transportation;

- (d) Subsection 404 (b);
- (e) Subsection 405 (e);
- (f) Subsection 407 (b);
- (g) Section 408;
- (h) Subsection 409 (a); and
- (i) Section 412.

§ 291.4 *Small irregular carriers; duration of exemption*. The temporary exemption from any provision of Title IV of the act provided by § 291.3 shall continue in effect only until such time as the Board shall find that enforcement thereof would be in the public interest or would no longer be an undue burden on the small irregular carriers; *Provided*, That upon such a finding as to any small irregular carrier or class of small irregular carriers, such exemption shall to that extent terminate with respect to such carrier or class of carriers.

§ 291.5 *Small irregular carriers; approval of certain interlocking relationships*. To the extent that any officer or director of a small irregular carrier would, without prior approval of the Board, be in violation of any provisions of subsection 409 (a) of the Civil Aeronautics Act of 1938, as amended, by reason of any interlocking relationship directly involving such small irregular carrier, such relationship is hereby approved.

§ 291.6 *Small irregular carriers; effect on other statutes*. The temporary exemption granted in § 291.3 from sections 408, 409 (a) and 412 shall not constitute an order made under such sections, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "antitrust laws", or any other statute (except the Civil Aeronautics Act of 1938, as amended), with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such section.

§ 291.7 *Small irregular carriers; conditions to exercise of temporary exemption privilege*. (a) No person shall exercise the temporary exemption privilege conferred by § 291.3 unless there is in effect with respect to such person a letter of registration issued by the Board, acknowledging that such person has been duly registered with the Board as a small irregular carrier under the provisions of this part, as amended, relating to irregular air transportation. Any Small Irregular Carrier which holds a letter of registration issued to it, and not revoked or canceled, prior to May 20, 1949, is not required to obtain another letter of registration.

(b) No small irregular carrier shall make or maintain any agreement or arrangement with any other air carrier or air carriers with respect to the conduct of air transportation services which, if conducted by a single carrier, would take it out of the classification of an irregular air carrier as set forth in this part.

§ 291.8 *Small irregular carriers; issuance of letter of registration*. Except as provided in § 291.9, upon the filing of

proper application therefor the Board will issue to any small irregular carrier a letter of registration. Such application shall be certified as correct by a responsible official of such carrier, and shall contain the following information: (a) Date; (b) name of carrier; (c) mailing address; (d) location of principal operating base; (e) if a corporation, the place of incorporation, the name and citizenship of officers and directors and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions; (f) if an individual or partnership, the name and citizenship of owners or partners; (g) the types and numbers of each type of aircraft utilized in air transportation. Such application shall be submitted in duplicate in letter form or on CAB Form No. 2789, which is available on request for the convenience of applicants.

§ 291.9 *Small irregular carriers; restrictions on issuance of letter of registration*. An application filed pursuant to § 291.8 will be denied and no letter of registration as a small irregular carrier will be issued to an applicant which has, or proposes to have, as owner, partner, officer, director, or stockholder holding a controlling interest, any person who was or is connected in any such capacity with any irregular air carrier, noncertificated cargo carrier, or air freight forwarder, if the letter of registration or exemption privilege of such carrier or forwarder was suspended or revoked by the Board on account of acts or omissions which occurred during the time of such connection, unless it has been shown to the Board by such applicant, and the Board finds, that the public interest and applicant's intention and ability to conform to the provisions of the act and requirements thereunder will not be adversely affected by such relationship or former relationship. For the purpose of carrying out the intent of this provision, the Board may, before or after the issuance of a letter of registration, require the applicant to furnish information in addition to that required to be set forth in its application filed pursuant to § 291.8.

§ 291.10 *Small irregular carriers; effective period of letter of registration*. Each letter of registration of a small irregular carrier shall become effective only upon the date specified therein and shall continue in effect until suspended, revoked or canceled, or until the temporary exemption privilege conferred by § 291.3 shall terminate or otherwise cease to be effective with respect to such small irregular carrier, whichever occurs first.

§ 291.11 *Small irregular carriers; nontransferability of letter of registration*. A letter of registration shall be nontransferable and shall be effective only with respect to the person or persons named therein.

§ 291.12 *Small irregular carriers; suspension of letter of registration*. Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest. Letters of registration shall be further subject to suspension, without hearing or other pro-

ceedings, for continuing failure to file tariffs or reports as required by provisions of the act or any order, rule or regulation issued thereunder, after not less than 10 days' notice to the small irregular carrier within which to comply with such requirement. Such suspension shall continue until the Board finds that such suspended carrier has complied with or submitted satisfactory evidence and assurance that it will comply with the provisions of the act or such rules, regulations or orders. Failure to seek reinstatement of a letter of registration suspended pursuant to the provisions of this subparagraph within a period of 60 days after notice to the carrier of such suspension shall automatically terminate all rights under such letter of registration; *Provided*, That in the case of a letter of registration suspended prior to May 20, 1949, failure to seek reinstatement of such letter of registration, prior to July 20, 1949, shall automatically terminate all rights under such letter of registration.

§ 291.13 *Small irregular carriers; revocation of letter of registration.* Letters of registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provisions of the act or of any order, rule, or regulation issued under any such provision or of any term, condition, or limitation of any authority issued under said act or regulations, or for any cause which, at the time of revocation, would justify the Board in refusing to issue to the holder of such letter a like letter.

§ 291.14 *Small irregular carriers; cancellation of letter of registration.* (a) The letter of registration of any small irregular carrier shall be canceled without prejudice upon the filing by such carrier of a written request for cancellation; *Provided*, That the Board may refuse to grant such request if any proceeding or action is pending in which the small irregular carrier's letter of registration may be subject to suspension or revocation.

(b) In any case in which the Board has reason to believe that a small irregular carrier has ceased to operate pursuant to the temporary exemption privilege conferred by § 291.3, the Board may, by registered letters mailed to the carrier at its last known address and to the designated agent of such carrier, if any, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its letter of registration canceled. Failure to reply within a period of 60 days after receipt thereof, or return of such letters unclaimed, shall automatically terminate all rights under such letter of registration.

§ 291.15 *Large irregular carriers; exemptions.* Except as otherwise provided in this part, each large irregular carrier, falling within the classification above, shall be temporarily exempt from the following provisions of Title IV of the Civil Aeronautics Act of 1938, as amended:

(a) Subsection 401 (a);

(b) Subsection 404 (a): *Provided*, however, That each such large irregular

carrier shall abide by these provisions of this subsection which require air carriers to provide safe service, equipment, and facilities in connection with interstate and overseas air transportation; and to establish, observe and enforce just and reasonable individual rates, fares and charges and just and reasonable classifications, rules, regulations and practices relating to such air transportation.

(c) Subsection 405 (e).

§ 291.16 *Large irregular carriers; duration of exemption.* The temporary exemption conferred by § 291.15 shall terminate and cease to be effective with respect to each large irregular carrier at 5 p. m., eastern daylight saving time, on June 20, 1949: *Provided*, That any large irregular carrier which before such time has on file with the Board pursuant to section 416 (b) of the act an application for an individual exemption from Title IV of the act extending to all or part of the air transportation which such large irregular carrier is authorized to perform as of June 19, 1949, pursuant to the temporary exemption conferred by § 291.15 may continue, except during any such time as its letter of registration may be suspended, to exercise such privilege until, but only until, the date specified in the Board's order finally disposing of its application for individual exemption, or until its letter of registration is revoked or canceled, whichever shall be earlier. Suspension of the letter of registration of a large irregular carrier shall not render such carrier ineligible to file an application for individual exemption hereunder.

§ 291.17 *Large irregular carriers; condition to exercise of temporary exemption privilege.* No person shall exercise the temporary exemption privilege conferred by § 291.15 unless there is in effect with respect to such person a letter of registration issued by the Board, acknowledging that such person has been duly registered with the Board as a large irregular carrier under the provisions of this part, as amended, relating to irregular air transportation.

§ 291.18 *Large irregular carriers; nontransferability of letter of registration.* A letter of registration of a large irregular carrier shall be nontransferable and shall be effective only with respect to the person or persons named therein.

§ 291.19 *Large irregular carriers; suspension of letter of registration.* Letters of registration of large irregular carriers shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

§ 291.20 *Large irregular carriers; revocation of letter of registration.* Letters of registration of large irregular carriers shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provisions of the act or of any order, rule, or regulation issued under any such provisions or of any term, condition or limitation of any authority issued under said act or regulations.

§ 291.21 *Large irregular carriers; cancellation of letter of registration.* (a)

The letter of registration of any large irregular carrier shall be canceled without prejudice upon the filing by such carrier of a written request for cancellation: *Provided*, That the Board may refuse to grant such request if any proceeding or action is pending in which the carrier's letter may be subject to suspension or revocation.

(b) In any case in which the Board has reason to believe that a large irregular carrier has ceased to operate pursuant to the temporary exemption conferred by § 291.15, the Board may, by registered letters mailed to the carrier at its last known address and to the designated agent of such carrier, if any, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its letter of registration canceled. Failure to reply within a period of 60 days after receipt thereof, or return of such letters unclaimed, shall automatically terminate all rights under such letter of registration.

§ 291.22 *Large irregular carriers; interlocking relationships.* If an application by any large irregular carrier for approval of an interlocking relationship in existence on May 20, 1949, and heretofore exempt from the provisions of section 409 (a) is filed with the Board on or before June 20, 1949, such carrier may retain the officer, director, member or stockholder involved in such relationship pending final disposition by the Board of said application, and such relationship is hereby approved pending such final disposition.

§ 291.23 *Large irregular carriers; operational limitations.* Large irregular carriers shall not engage in the foreign air transportation of persons, and are not granted any exemption by this part from the provisions of the Civil Aeronautics Act of 1938, as amended, with respect to such foreign air transportation of persons.

§ 291.24 *Nonapplicability.* This part shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, to Alaskan air carriers, to operations within Alaska, or to any non-certificated air carrier engaged in air transportation pursuant to special or individual exemption by the Board or pursuant to exemption created by any other part of this subchapter.

§ 291.25 *Separability.* If any provisions of this part or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstance shall not be affected thereby.

§ 291.26 *Past violations.* All those provisions of this part in effect prior to the revision adopted April 13, 1949, which are included in the amendment without substantial change are hereby affirmed and continued in effect and all such provisions are intended to speak from the time of their first enactment. All references to violations of the Board's regulations include any violations at any time

of the provisions of this part as then in effect, and the aforesaid revision shall in no way affect any pending enforcement proceeding or action, or any enforcement action taken subsequent of May 20, 1949, of this amendment with respect to violations which occurred prior to such date.

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

Sec.

- 292.1 Classification.
- 292.2 Temporary exemption of certificated air carriers.
- 292.3 Temporary exemption of noncertificated air carriers.
- 292.4 Regulation.
- 292.5 Procedural requirements.
- 292.6 Formal proceedings.
- 292.7 Powers of the Director in formal proceedings.
- 292.8 Alaskan pilot-owner; conditions and requirements.

AUTHORITY: §§ 292.1 to 292.8 Issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 401 and 416, 52 Stat. 987, 1004; 49 U. S. C. 481, 496.

§ 292.1 *Classification.* (a) There is hereby established, within the meaning of section 416 (a) of the Civil Aeronautics Act of 1938, a classification of air carriers which, except as otherwise authorized in § 292.2 (b) and § 292.3 (a) (2), engage solely in air transportation within the Territory of Alaska, said classification to be designated as Alaskan air carriers. Such classification shall include both (1) certificated air carriers and (2) air carriers operating under the authority of § 292.3.

(b) There is hereby established a further classification of air carriers operating in Alaska to be designated Alaskan pilot-owners. As used in this section an Alaskan pilot-owner carrier shall mean a certificated pilot with a commercial or airline transport rating who:

(1) Directly or indirectly engages as a principal in air transportation solely within the Territory of Alaska;

(2) Utilizes in such air transportation only aircraft which have a certificated capacity of no more than four passengers, and which are beneficially owned and flown exclusively in air transportation by him alone;

(3) Is not otherwise authorized by the Board to engage in air transportation.

§ 292.2 *Temporary exemption of certificated air carriers.* Until the Board shall adopt further rules, regulations, or orders, an Alaskan air carrier which holds a certificate of public convenience and necessity issued by the Board shall be exempt, subject to the conditions and requirements set forth in this part, from sections 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would prevent any such air carrier:

(a) From providing, over a regular route designated in a certificate of public convenience and necessity, service, of the same type authorized by the certificate, to such additional points not named in the certificate as are situated within the Territory which would ordinarily be served by such route;

(b) From making charter trips and rendering other special services between

points on routes which it is authorized by its certificate to serve. (Charter trips and other special services may also be rendered to or from any other point within or outside the Territory of Alaska: *Provided, however,* That such trips originate at or are destined to a point on a route, regular or irregular, the carrier is authorized by its certificate to serve: *And, provided further,* That all such trips are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or scheduled service);

(c) From transporting over postal routes 78182 and 78187 (blanket authorization of the Postmaster General relating to the transportation of first-class mail) and over postal routes designated by the Postmaster General as "gratuitous" routes, such mail as may be tendered by postmasters in Alaska for transportation over such routes.

§ 292.3 *Temporary exemption of noncertificated air carriers.* (a) Until the Board shall adopt further rules, regulations, or orders, any air carrier engaging in air transportation within the Territory of Alaska which (i) does not hold a certificate of public convenience and necessity, (ii) during the 6 months ending March 31, 1945, was engaging within the Territory of Alaska in air transportation which had not been authorized by the Board, and (iii) has heretofore filed on or prior to September 15, 1945, an application for a permanent or temporary certificate of public convenience and necessity covering such services, shall be exempt, subject to the conditions and requirements hereinafter set forth, from sections 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would otherwise prevent:

(1) Any such air carrier from continuing to engage in air transportation of the same nature, extent, regularity and frequency as was rendered by it within the Territory of Alaska during said period ending March 31, 1945, and for which air transportation such air carrier filed, on or prior to September 15, 1945, an application for a permanent or temporary certificate of public convenience and necessity;

(2) Any such air carrier from making charter trips and rendering other special services between points on routes over which it is authorized to serve by the terms of subparagraph (1) of this paragraph with equipment utilized thereunder. (Charter trips and other special services may also be rendered with such equipment to or from any other point, within or outside the Territory of Alaska: *Provided,* That such trips originate at or are destined to a point on a route such air carrier is authorized to serve by the terms of subparagraph (1) of this paragraph: *And provided, further,* That all such trips are casual, occasional, or infrequent, and are not made in such a manner as to result in establishing a regular or scheduled service.)

(b) The exemptions granted in paragraph (a) of this section shall be of no further force and effect as to any air carrier from and after the effective date of an order of the Board denying the aforesaid application of such carrier filed

prior to September 15, 1945, or from the date of the inauguration of air transportation pursuant to an authorization of the Board granting such application in whole or in part;

(c) Until the Board shall adopt further rules, regulations, or orders, any air carrier engaging in air transportation within the Territory of Alaska pursuant to a specific exemption order adopted by the Board pursuant to section 416 (b) of the act shall be exempt, subject to the conditions and requirements hereinafter set forth, from sections 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would otherwise prevent any such air carrier from continuing to engage in air transportation of the same nature, extent, regularity, and frequency as is authorized by the Board in the specific exemption order applicable to such carrier. The exemption granted in this paragraph shall remain in force and effect as to any air carrier for the term provided for in, and in accordance with the terms of, the order granting the specific exemption for such air carrier.

(d) Until September 30, 1949, or until such earlier date that the Board may make effective further rules, regulations, or orders relative hereto, any Alaskan pilot-owner carrier shall be exempt, subject to the conditions and requirements herein set forth, from sections 401 (a) and 404 (a) of the act, insofar as the enforcement thereof would prevent any such person from engaging in the air transportation of persons or property within the Territory of Alaska on a casual, occasional, or infrequent basis, and in such manner as will not result in the establishment of a regular or scheduled service.

§ 292.4 *Regulation.* (a) This subchapter shall not be applicable to Alaskan air carriers except to the extent provided in this section. Subject to the provisions of paragraphs (b) and (c) of this section, the following regulations are made applicable to Alaskan Air Carriers:

Part 200 (Definitions and Instructions).

Part 201 (Applications for Certificates of Public Convenience and Necessity).

Part 205 except § 205.6 (Temporary Suspension of Service Authorized by Certificates of Public Convenience and Necessity).

Part 206 (Certificates of Public Convenience and Necessity; Temporary Change of Route).

Parts 221 and 222 (Preparation of Tariffs of Air Carriers and Filing and Posting of Tariffs of Air Carriers).

Part 223 (Tariffs of Air Carriers; Free and Reduced-Rate Transportation).

Part 224 (Tariffs of Air Carriers; Free and Reduced-Rate Transportation; Access to Aircraft for Safety Purposes).

Part 231 (Transportation of Mail; Mail Schedules).

Part 232 (Transportation of Mail; Review of Orders of Postmaster General).

Part 233 (Transportation of Mail; Free Travel for Postal Employees).

Part 234 (Transportation of Mail; Petitions for Determination of Rates).

Part 241 (Reports by Certificated Air Carriers).

Part 245 (Reports of Ownership of Stock and Other Interests).

Part 246 (Reports of Stock Ownership of Affiliates of Air Carriers).

Part 248 (Submission of Audit Reports by Public Accountants).

Part 249 (Preservation of Accounts, Records, and Memorandums).

Part 251 (Prohibited Interests; Interlocking Relationships).

Part 261 (Filing of Agreements).

Part 262 (Agreements between Air Carriers and Foreign Countries).

Part 293 (Classification and Exemption of Carriers; Omission of Stop at Junction Point).

Rules of Practice.

(b) The Director of the Alaska Office may take preliminary action for the Board to relieve any Alaskan air carrier or group of Alaskan air carriers from complying with a specific provision or provisions of Parts 221, 222, 231, and 241 of this chapter when the application of any provision or provisions of these parts is found by him to be an undue burden on such Alaskan air carrier or air carriers by reason of the limited extent of, or unusual circumstances affecting, the operations of such Alaskan air carrier or air carriers. Upon finding that such relief is no longer necessary, the Director of the Alaska Office may take preliminary action for the Board to cancel the relief previously granted in accordance with the provisions of this section. The action of the Director shall be subject to ratification by the Board and any person affected by his action may file exceptions thereto with the Board within 15 days after the date the Director makes his action effective. The action of the Director under this section may be taken either on written application or may be initiated by him in the first instance. Whenever reference is made in Parts 221 or 222 of this chapter to the Bureau of Economic Regulation or to the Director of the Bureau of Economic Regulation, such reference shall be deemed to mean the Director of the Alaska Office.

(c) An Alaskan air carrier which prior to December 1, 1947, has suspended service to a point on a regular route named in its certificate, and which shall file, within 45 days after December 1, 1947, an "Application for Order Authorizing Temporary Suspension of Service" pursuant to Part 206 of this chapter is authorized to continue to suspend service to that point until its application shall have been granted or denied by the Board.

§ 292.5 *Procedural requirements.*—(a) *Place and time of filing.* Notwithstanding the requirements of any other regulation, order, or rule of the Board, all documents authorized or required by the Civil Aeronautics Act, or any regulation, order, or rule of the Board issued thereunder, to be filed with the Board by any Alaskan air carrier or in connection with air transportation performed or sought to be performed by such air carrier shall be filed in accordance with the methods and within the time limitations provided therein with the Director of the Alaska Office of the Board; *Provided*, That applications, motions, and petitions in formal proceedings filed through counsel having addresses outside of Alaska may be filed with the Board at its office in Washington, D. C., in which event one signed copy (being one of the duplicate originals specified in paragraph (b) of this section) of each such document shall be sent by air mail to the

Director of the Alaska Office in Anchorage, Alaska, by the counsel so filing.

(b) *Duplicate originals required.* In addition to the number of copies of each document required to be filed by the regulation, order, or rule under which it is filed, one additional signed copy shall be filed, and if the regulation, order, or rule under which it is filed requires verification of documents filed thereunder, said additional signed copy shall also be verified. Two signed copies will constitute duplicate originals. In the event both copies are filed with the Director of the Alaska Office, that office shall transmit one signed copy to the office of the Board in Washington, D. C., and retain the other signed copy in the files of the Alaska Office.

(c) *Conformity to rules.* All such documents shall in all other respects conform to the requirements of the regulation, order or rule of the Board under which they are filed; *Provided*, That any such requirement may be waived or substantial compliance authorized by the Director of the Alaska Office if he finds that such requirement will constitute an undue burden on an air carrier or group of air carriers and strict compliance is unnecessary in view of the limited extent of or unusual circumstances affecting the operations of any such air carrier or group of air carriers.

(d) *Posting and preservation of documents.* The Alaska Office copy of all documents subject to this part which are required by the Act, or by the regulations, orders, or rules, of the Board, thereunder, to be posted in the Office of the Secretary of the Board shall be posted in the Office of the Director of the Alaska Office; and the Alaska Office copy of documents which are required by section 1103 of the act to be preserved as public records in the custody of the Secretary of the Board, shall be preserved as public records in the custody of the Director of the Alaska Office under such reasonable arrangements as he may make for public inspection thereof. Such posting and preservation as public records shall be in addition to that required of the Secretary of the Board.

(e) *Requests for additional information.* The Director of the Alaska Office may at any time require any person filing documents with the Alaska Office to file additional copies thereof, and to make service upon persons other than those specified in the pertinent regulation, order, or rule of the Board, if he finds such requirements necessary in the public interest or in the interest of efficiency and expedition in the work of the Board. If he is of the opinion that a formal or informal application, complaint, petition or other document does not sufficiently set forth the material required to be set forth by any applicable regulation, order or rule of the Board, or is otherwise insufficient, he may advise the party filing the same of the deficiency and require that any additional information be supplied. In case he deems an answer to formal complaints and petitions desirable, he may so notify the parties.

(f) *Extension of time.* The Director of the Alaska Office shall have authority, upon good cause shown, to extend the

time for filing of any document required by this part to be filed with the Alaska Office.

(g) *Recommendations concerning regulations.* The Director of the Alaska Office may submit a draft of proposed regulations affecting air transportation within Alaska, or of amendments or modifications of such regulations to the Alaskan Air Carriers for comment. Upon expiration of the date fixed for submission of comments he shall transmit any comments received, together with his recommendations, to the Board for consideration. The Board may revise any such proposed regulation, amendment, or modification, and in respect of any substantial revision, may direct the Director of the Alaska Office to submit such revision to the Alaskan air carriers for further comment.

§ 292.6 *Formal proceedings.*—(a) *Docket of Alaska Office.* A complete docket of all formal proceedings by or against Alaskan air carriers, or by or against persons seeking authority to engage in air transportation solely within the Territory of Alaska, shall be maintained in the offices of the Board at Washington, D. C., and in the Board's Alaska Office.

(b) *Exceptions and oral argument.* Exceptions to the initial or recommended decision of the examiner in any formal proceeding and briefs in support of such exceptions, may be filed with the Board at its office in Washington, D. C. One copy of such exceptions and briefs shall be sent by air mail to the Director of the Alaska Office by the party so filing; or may be filed with the Director of the Alaska Office, in which event they will be transmitted by him to the Board's office in Washington, D. C. If any of the parties to any such proceeding so desire, the Director of the Alaska Office may on behalf of the Board hear oral argument upon exceptions to the examiner's report, and shall transmit a transcript of such oral argument to the Board. Such oral argument before the Director of the Alaska Office shall be in lieu of oral argument before the Board.

(c) *Hearings and conferences.* Hearings and conferences in proceedings on the Board's Alaskan docket shall be assigned, and procedural notices (other than notice of oral argument before the Board) and examiner's report will be served by the Director of the Alaska Office.

§ 292.7 *Powers of the Director in formal proceedings.* Subject to the modification or reversal by the Board, on his own motion or upon petition or application of any air carrier or other person affected by or having a substantial interest in his action, the Director of the Alaska Office is authorized and designated to act for the Board in the following matters:

(a) *Intervention.* All petitions for intervention in proceedings on the Board's Alaska Docket shall be referred to the Director of the Alaska Office who shall have authority to grant or deny such intervention. Any person whose petition for intervention shall have been denied by the Director of the Alaska Office may file exceptions thereto within 15 days

after such denial and the Director of the Alaska Office shall submit such petition and exceptions to the Board for review.

(b) *Dismissal of applications.* The Director of the Alaska Office shall have authority to order dismissal of any application made to the Board pursuant to the Civil Aeronautics Act of 1938, as amended, and pending on the Board's Alaska Docket, when such dismissal is requested by the applicant or where the applicant has failed to prosecute such application.

(c) *Consolidation of applications.* The Director of the Alaska Office shall have authority to consolidate applications under Title IV of the act on the Board's Alaska Docket for hearing or issuance of initial or recommended decision by an examiner.

§ 292.8 *Alaskan pilot-owner; conditions and requirements.* Persons seeking to engage in air transportation as an Alaskan pilot-owner carrier shall be subject to the following conditions and requirements.

(a) Such persons shall first file with the Board a proper application for, and shall hold a currently effective letter of registration (Alaska), before undertaking to engage in such air transportation, except that any person engaged in service on May 28, 1948, and filing such application on or before such date may continue to engage in services of the nature and extent herein authorized until such letter of registration (Alaska) has been issued or he has been notified that no such letter will be issued;

(1) An application by an Alaskan pilot-owner for a letter of registration may be submitted to the Board in duplicate in letter form. Such application shall be certified to be correct by the applicant, and shall set forth the following information:

- (i) Date.
- (ii) Name, citizenship, address, principal operating base, airman certificate number and ratings held by applicant, and whether applicant operates as individual enterprise, partnership, or corporation.
- (iii) Number of aircraft units beneficially owned by applicant and utilized by him in air transportation, registration number, make, model of each aircraft, and type of landing gear employed, and the name in which each aircraft is registered.

(iv) Types of services and area in which services will be performed, and any seasonal variations in proposed services.

(2) Letters of registration (Alaska) shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

(3) Letters of registration (Alaska) shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Civil Aeronautics Act of 1938, as amended, or of any order, rule, or regulation issued under any such provision, or of any term, condition, or limitation of any authority issued under said act or regulations.

(b) An Alaskan pilot-owner shall not engage in any air transportation be-

tween points on any route on which one or more carriers holding certificates of public convenience and necessity undertake, pursuant to schedules filed with the Board under section 405 (e) of the act, to provide service on an aggregate of three or more scheduled flights weekly;

(c) An Alaskan pilot-owner shall be subject to the provisions of §§ 292.4, 292.5, 292.6, and 292.7 in the same manner and to the same extent as an Alaskan air carrier.

PART 293—CLASSIFICATION AND EXEMPTION OF CARRIERS; OMISSION OF STOP AT ROUTE JUNCTION POINTS

§ 293.1 *Omission of stop.* Notwithstanding the provisions of section 401 (a) of the act, an air carrier on any flight which is regularly scheduled to be operated between points on two or more of its certificated routes, via a junction point of such routes, may omit a stop at such junction point whenever weather conditions at such junction point otherwise would require the cancellation or postponement of any portion of such flight. (Sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 416, 52 Stat. 1004, 49 U. S. C. 496)

PART 295—CLASSIFICATION AND EXEMPTION OF NONCERTIFICATED CARGO CARRIERS

Sec.	
295.1	Definitions.
295.2	Applicability.
295.3	Classification.
295.4	Scope of operations affected.
295.5	Duration of exemption.
295.6	Exemptions.
295.7	Registration for exemption.
295.8	Issuance of letter of registration.
295.9	Nontransferability of letter of registration.
295.10	Suspension of letter of registration.
295.11	Revocation of letter of registration.
295.12	Separability.

AUTHORITY: §§ 295.1 to 295.12 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 416, 52 Stat. 1004, 49 U. S. C. 496.

§ 295.1 *Definitions.* (a) A noncertificated cargo carrier shall be defined to mean any air carrier which directly engages in interstate or overseas air transportation of property only and which on May 5, 1947:

(1) Did not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended;

(2) Had on file with the Board an application for a certificate of public convenience and necessity authorizing scheduled interstate or overseas air transportation of property only; and

(3) Was actively engaged in the business of carrying property by air for compensation or hire.

(b) For the purpose of this part, the term "established points" shall be defined for any given noncertificated cargo carrier to include any point to or from which such carrier has transported property by air, for compensation or hire, on other than merely a casual, occasional, or infrequent basis, at any time during the 12-month period ending May 5, 1947: *Provided, however,* That such point is a point, or is located in a region, proposed

to be served in such carrier's pending application referred to in paragraph (a) (2).

§ 295.2 *Applicability.* This part shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, to Alaskan air carriers, to operations within Alaska, or to any noncertificated air carrier engaged in air transportation pursuant to special or individual exemption by the Board, or pursuant to exemption created by any other part of this subchapter.

§ 295.3 *Classification.* There is hereby established a classification of noncertificated air carriers to be designated as noncertificated cargo carriers.

§ 295.4 *Scope of operations affected.* (a) Except as otherwise provided in this part, each noncertificated cargo carrier shall be entitled to the exemptions created by this part only with respect to transportation between such carrier's "established points."

(b) Upon filing written notice with the Board of intention to serve any other point located within the area immediately adjacent to any established point, such carrier also shall be entitled to the exemptions created by this part with respect to transportation to or from such other point unless and until the Board shall advise the carrier that such other point is not deemed, with reference to the purposes of this part, to be located within said immediately adjacent area, or that said transportation to or from such other point is not in the public interest.

§ 295.5 *Duration of exemption.* Unless otherwise extended as to any particular carrier by appropriate order of the Board, the exemptions provided in this part shall apply to each noncertificated cargo carrier only until 60 days after the Board shall have made final disposition of any one application, or part thereof, on file with the Board by that carrier on May 5, 1947, for a certificate of public convenience and necessity authorizing the direct scheduled interstate or overseas air transportation of property only.

§ 295.6 *Exemptions.* Except as otherwise provided in this part, noncertificated cargo carriers shall be exempt from all provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, other than the following:

(1) Subsection 401 (1) (Compliance with Labor Legislation);

(2) Section 403 (Tariffs);

(3) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), only insofar as said subsection requires air carriers to provide safe service, equipment, and facilities in connection with air transportation, and to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just, reasonable, and equitable divisions thereof, and just, reasonable classifications, rules, regulations, and practices relating to air transportation;

(4) Subsection 404 (b) (Discrimination);

(5) Subsection 407 (a) (Filing of Reports): *Provided,* That no provision of any rule, regulation, term, condition, or

limitation prescribed pursuant to said subsection 407 (a) shall be applicable to noncertificated cargo carriers unless such rule, regulation, term, condition, or limitation expressly so provides;

(6) Subsection 407 (b) (Disclosure of Stock Ownership);

(7) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(8) Subsection 407 (d) (Form of Accounts); *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to noncertificated cargo carriers unless such rule, regulation, term, condition, or limitation expressly so provides;

(9) Subsection 407 (e) (Inspection of Accounts and Property);

(10) Section 408 (Consolidation, Merger, and Acquisition of Control);

(11) Subsection 409 (a) (Interlocking Relationships);

(12) Subsection 409 (b) (Profit from Transfer of Securities);

(13) Section 410 (Loans and Financial Aid);

(14) Section 411 (Methods of Competition);

(15) Section 412 (Pooling and Other Agreements): *Provided*, That noncertificated cargo carriers shall be exempt from said section 412 until 60 days after June 10, 1947: *Provided further*, That such exemption from said section 412 shall not constitute an order made under said section, within the meaning of section 414, and shall not confer any immunity or relief from operations of the "antitrust" laws, or any other statute (except the Civil Aeronautics Act of 1938, as amended), with respect to any contract or agreement otherwise within the purview of said section 412;

(16) Section 413 (Form of Control);

(17) Section 414 (Legal Restraints);

(18) Section 415 (Inquiry into Air Carrier Management);

(19) Section 416 (Classification and Exemption of Carriers).

§ 295.7 Registration for exemption. From and after 60 days after June 10, 1947 no noncertificated cargo carrier may engage in any form of air transportation unless there is then outstanding and in effect with respect to such air carrier a letter of registration issued by the Board; *Provided*, That if any noncertificated cargo carrier, otherwise authorized to engage in air transportation pursuant to this section, shall file with the Board, within 60 days after June 10, 1947, an application for a letter of registration, such applicant may engage in such air transportation until such letter has been issued or such applicant has been notified that it appears to the Board that such applicant is not entitled to the issuance of such letter.

§ 295.8 Issuance of letter of registration. Upon the filing, in duplicate, of proper application therefor, the Board shall issue, to any noncertificated cargo carrier, a letter of registration which, unless otherwise sooner rendered ineffective, shall expire and be of no further force and effect, upon a finding by the Board that enforcement of the provisions of section 401 (from which exemption is

provided in this section) would be in the public interest and would no longer be an undue burden on such noncertificated cargo carrier or class of noncertificated cargo carriers. Such application shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information:

- (a) Date;
- (b) Name of carrier;
- (c) Mailing address;
- (d) Location of principal operating base;

(e) If a corporation, the place of incorporation, the name and citizenship of officers and directors, the name and address of each stockholder owning beneficially more than 5 percent of the voting interest, and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions;

(f) If an individual or partnership, the name and citizenship of owners or partners;

(g) Reference, by date of filing and docket number, to pending applications for certificates of public convenience and necessity for interstate or overseas air transportation of property only, filed with the Board prior to May 5, 1947; and

(h) List of the carrier's established points, showing, as to each such point, the maximum number of its flights serving such point in any 1 month during the 12-month period ending May 5, 1947.

§ 295.9 Nontransferability of letter of registration. Letters of registration shall be nontransferable and shall be effective only with respect to the person named therein.

§ 295.10 Suspension of letter of registration. Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

§ 295.11 Revocation of letter of registration. Letters of registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Civil Aeronautics Act of 1938, as amended, or of any order, rule, or regulation issued under any such provision, or of any term, condition, or limitation of any authority issued under said act or regulations.

§ 295.12 Separability. If any provision of this part or the application thereof, to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS

Sec.	
296.1	Definitions.
296.2	Classification.
296.3	Exemption.
296.4	Duration.
296.5	Limitations.
296.6	Necessity for letter of registration.
296.7	Application for letter of registration.
296.8	Issuance of letter of registration.

Sec.	
296.9	Effective period.
296.10	Restrictions of issuance of letter of registration.
296.11	Conditions of letter of registration.
296.12	Nontransferability of letter of registration.
296.13	Suspension of letter of registration.
296.14	Revocation of letter of registration.
296.15	Insurance.
296.16	Payment of transportation charges.
296.17	Nonapplicability.
296.18	Separability.

AUTHORITY: §§ 296.1 to 296.18 issued under sec. 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 1 (2), 416; 52 Stat. 977, 1004; 49 U. S. C. 401, 496.

§ 296.1 Definitions. An air freight forwarder shall be defined to mean any person which engages indirectly in air transportation of property only, and which, in the ordinary and usual course of his undertaking, (a) assembles and consolidates or provides for assembling and consolidating such property and performs or provides for the performance of break-bulk and distributing operations with respect to such consolidated shipments, (b) assumes responsibility for the transportation of such property from the point of receipt to point of destination, and (c) utilizes for the whole or any part of the transportation of such shipments, the services of a direct air carrier subject to the act.

§ 296.2 Classification. There is hereby established a classification of air carriers which are not directly engaged in the operation of aircraft in air transportation (herein referred to as "indirect air carriers") to be designated as "air freight forwarders."

§ 296.3 Exemption. Subject to the other provisions of this part, air freight forwarders are hereby relieved from the provisions of Title VI of the act, and from all provisions of Title IV of the act, other than the following:

- (a) Subsection 401 (1) (Compliance with Labor Legislation);
- (b) Section 403 (Tariffs);
- (c) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), insofar as said subsection requires air carriers to provide safe service, equipment and facilities in connection with air transportation, and to establish, observe, and enforce just and reasonable individual rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to air transportation;
- (d) Subsection 404 (b) (Discrimination);

(e) Subsection 407 (a) (Filing of Reports); *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(f) Subsection 407 (b) (Disclosure of Stock Ownership);

(g) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(h) Subsection 407 (d) (Form of Accounts); *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to

air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(i) Subsection 407 (e) (Inspection of Accounts and Property);

(j) Section 408 (Consolidation, Merger and Acquisition of Control);

(k) Section 409 (Prohibited Interests);

(l) Section 410 (Loans and Financial Aid);

(m) Section 411 (Methods of Competition);

(n) Section 412 (Pooling and Other Agreements);

(o) Section 413 (Form of Control);

(p) Section 414 (Legal Restraints);

(q) Section 415 (Inquiry into Air Carrier Management); and

(r) Section 416 (Classification and Exemption of Carriers).

§ 296.4 *Duration.* The temporary authority provided by this part shall continue in effect until such time as the Board shall find that the exemption accorded herein is no longer in the public interest, but in no event longer than 5 years from October 15, 1948.

§ 296.5 *Limitation—(a) Use of aircraft.* In respect to operations conducted pursuant to the authority provided in this part no air freight forwarder shall ship property by air except upon aircraft operated in common carriage (1) by small irregular carriers (as defined in Part 291 of this chapter), or (2) by air carriers whose tariffs for the transportation services thus utilized have been filed with the Board.

(b) *Prohibition.* No freight forwarder shall ship property as an air carrier in air transportation except between places in the continental United States.

§ 296.6 *Necessity for letter of registration.* No person shall engage in air transportation pursuant to the exemption granted by this part unless there is in force with respect to such person a letter of registration issued by the Board.

§ 296.7 *Application for letter of registration.* Any person other than those specified in § 296.17 desiring to engage in operations as an air freight forwarder may apply to the Board for a letter of registration authorizing the conduct of such operations. Such application shall be submitted in duplicate in letter form, shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information: (a) date; (b) name of air freight forwarder; (c) mailing address; (d) location of principal office; (e) if a corporation, the state of incorporation, the name and citizenship of officers and directors, and a statement that at least 75 percent of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions; (f) the names of the largest stockholders, not exceeding 20, who hold, individually, 1 percent or more of the voting capital stock of the applicant; (g) if an individual or partnership, the name and citizenship of the owner or partners, and a statement of the respective interests of each; (h) a financial statement showing assets and liabilities as of a date not ex-

ceeding 6 months prior to the date of filing the application, and a statement showing the types and amounts of insurance, which is in force for the protection of the forwarder's customers, and the public and the name or names of the insurers; (i) whether or not any of the persons required to be listed under (e), (f), and (g) above has at any time been issued, either in his own name or some other name, any letter of registration or other license or operating authority by the Board, either as an irregular air carrier or air freight forwarder or otherwise, or is, or has been, affiliated as owner, partner, officer, director, or stockholder holding a controlling interest, with any other air carrier or carriers, either certificated or noncertificated, direct or indirect, together with the names of such other air carrier or carriers; (j) the information required in a "Report of Ownership of Stock" (CAB Form 2786; available from the Board's Publications Section) with respect to each officer and director, if a corporation or association; with respect to each partner or member, if a partnership; or with respect to the owner where the business is conducted by an individual; (k) such other additional information pertinent to applicant's activities as may be requested by the Board with respect to any individual application.

§ 296.8 *Issuance of letter of registration.* (a) If, after the filing of an application for a letter of registration it appears that the conduct of air freight forwarder operations by the applicant will not be inconsistent with the public interest the applicant will be notified and advised that upon the filing of a valid tariff a letter of registration will be issued to such applicant. Subject to the restrictions provided herein, and upon the receipt by the Board of such a valid tariff, a Letter of Registration shall forthwith be issued to the applicant. If it appears that the granting of such letter may not be consistent with the public interest, the Board shall notify the applicant of its findings in this respect and will inform the applicant by letter that the Board does not believe that the applicant has made a proper showing of public interest. Thereupon applicant may file with the Board a petition for leave to withdraw the application, or may request that the application be assigned for hearing, or may submit, within such reasonable time as may be established by the Board, such additional information as applicant believes will result in a showing of public interest.

(b) In the event additional information is submitted, the Board on its own initiative, may assign the application for hearing or without notice of hearing enter an order of approval or an order of disapproval in accordance with its determination of the public interest.

§ 296.9 *Effective period.* Each letter of registration shall become effective only upon the date specified therein and shall continue in effect until suspended or revoked, or during such period as the authority provided by this part shall remain in effect.

§ 296.10 *Restrictions on issuance of letter of registration.* No letter of registration will be issued to any freight forwarder which has, or proposes to have, as owner, partner, officer, director, or stockholder holding a controlling interest, any person who is or has been connected in any such capacity with any other air freight forwarder, irregular air carrier, or noncertificated cargo carriers, if such forwarder or carrier was subject to suspension action by the Board at the time of such connection, unless the Board finds that the public interest and applicant's intention and ability to conform to the provisions of the Act and requirements thereunder are not adversely affected by such relationship or former relationship. A forwarder or carrier shall be considered to be subject to suspension action within the meaning of this provision if it conducts unauthorized operations which subsequently form the basis for Board action looking toward the revocation or suspension of its letter of registration.

§ 296.11 *Conditions of a letter of registration.* No air freight forwarder shall have and retain, as an owner, partner, officer, director, or stockholder holding a controlling interest, any person who was, or is, affiliated in any of said capacities with any other air freight forwarder, irregular air carrier, or noncertificated cargo carrier under the circumstances set forth in § 296.10 unless it has been shown to the Board by such air freight forwarder, irregular air carrier, or noncertificated cargo carrier, and the Board finds that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder will not be adversely affected thereby.

§ 296.12 *Nontransferability of letter of registration.* A letter of registration shall be nontransferable and shall be effective only with respect to the person named therein.

§ 296.13 *Suspension of letter of registration.* Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest. Letters of registration shall be further subject to suspension upon complaint, or upon motion of any person showing an interest therein, or upon the Board's own initiative, after not less than 10 days' notice to the air freight forwarder, but without hearing or further proceedings, for failure to comply with the provisions of the act or with any order, rule or regulation issued thereunder, or with any term, condition or limitation of any authority issued thereunder. Such suspension shall continue until the Board finds that such suspended air freight forwarder has complied with the provisions of the act, or with such rules, regulations, orders, terms, conditions, or limitations. Failure to seek reinstatement of a letter of registration suspended pursuant to the provisions of this section within a period of 60 days after the effective date of such suspension shall automatically terminate all rights under such letter of registration.

§ 296.14 *Revocation of letter of registration.* (a) Letters of registration

shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the act or of any order, rule, or regulation issued under any such provision, or of any term, condition, or limitation of any authority issued under said act or regulations.

(b) A letter of registration shall be revoked without prejudice upon the filing by an air freight forwarder of a written notice with the Board indicating the discontinuance of common carrier activities, together with a tender of the letter of registration for cancellation; *Provided*, That the Board may refuse to accept such notice or to cancel the letter if any proceeding or action is pending in which an air freight forwarder's authority may be subject to suspension or revocation action. The failure of any air freight forwarder, for two successive periods, to file the periodic reports required by this subchapter, may, for the purpose of this part, be deemed by the Board to constitute the filing of such written notice indicating the discontinuance of the common carrier activities, and in such case the tender of the letter of registration shall not be necessary.

§ 296.15 *Insurance*—(a) *Cargo*. No air freight forwarder shall engage in air transportation pursuant to this part unless the risks of loss of or damage to the property so transported by it are covered in the amounts prescribed in paragraph (c) of this section by insurance, a self-insurance fund or reserve, or surety bond.

(b) *Public liability and property damage*. No air freight forwarder shall engage in the performance of transfer, collection, or delivery services under the provisions of this section unless risks of bodily injury or death to persons or of damage to property (other than property covered by paragraph (a) of this section), resulting from the negligent operation, maintenance, or use of motor vehicles operated by it or under its direction and control, or resulting from other acts of its agents, employees and representatives in the performance of such transfer, collection, or delivery services are covered to the extent that legal liability may ensue, in the amounts prescribed in paragraphs (c) (2) and (3) of this section by insurance, a self-insurance fund or reserve, or surety bond.

(c) *Liability limits*—(1) *Cargo insurance*. For loss of or damage to property while carried on or resting in any one conveyance: \$2,000.

(2) *Public liability; property*. For loss or damage to property occurring at any one time or place: \$2,000.

(3) *Public liability; personal injury*. Claims for bodily injury or death: \$10,000; for one person subject to that limit per person and for all persons in any one accident: \$20,000.

§ 296.16 *Payment of transportation charges*. Freight bills from direct air carriers for all transportation charges shall be paid by every air freight forwarder within a reasonable period after the rendering of the transportation services. A reasonable maximum period for the payment of such charges shall be 7 days after being billed therefor.

§ 296.17 *Nonapplicability*. This section shall not apply (a) to any air carrier

authorized by a certificate of public convenience and necessity to engage in air transportation, nor (b) to any noncertificated air carrier engaged in air transportation pursuant to any special or individual exemption order granted by the Board, nor (c) to any noncertificated air carrier engaged in air transportation pursuant to any general exemption granted by any other part of this subchapter.

§ 296.18 *Separability*. If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

Issued: June 23, 1949.

Effective: July 1, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5142; Filed, June 27, 1949;
8:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 112]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

FLORIDA AND NEW MEXICO

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 55c, is amended to read as follows:

(55c) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the City of Fort Lauderdale, in the Fort Lauderdale, Florida, Defense-Rental Area, and all unincorporated localities in the remainder of said Defense-Rental Area, based on a resolution submitted for said City of Lauderdale in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Fort Lauderdale being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 194, is amended to describe the counties in the Defense-Rental Area as follows:

Curry.

This decontrols from §§ 825.81 to 825.92 (1) the City of Portales in Roosevelt County, New Mexico, a portion of the Clovis, New Mexico, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said

Roosevelt County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 24, 1949.

Issued this 24th day of June 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5155; Filed, June 28, 1949;
8:47 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 113]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ARKANSAS AND KANSAS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 22a, is amended to read as follows:

(22a) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Hot Springs, Arkansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 118, is amended to describe the counties in the Defense-Rental Area as follows:

Geary.

This decontrols from §§ 825.81 to 825.92 Riley County, Kansas, in the Junction City-Manhattan, Kansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 121, is amended to describe the counties in the Defense-Rental Area as follows:

Saline.

This decontrols from §§ 825.81 to 825.92 Dickinson and McPherson Counties, Kansas, in the Salina, Kansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37,

¹ 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311 3353.

94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 24, 1949.

Issued this 24th day of June 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5156; Filed, June 28, 1949;
8:47 a. m.]

[Controlled Housing Rent Reg.,¹ Amdt. 117]

**PART 825—RENT REGULATIONS UNDER THE
HOUSING AND RENT ACT OF 1947, AS
AMENDED**

FLORIDA AND NEW MEXICO

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is hereby amended in the following respects:

1. Schedule A, item 55c is amended to read as follows:

(55c) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the City of Fort Lauderdale, in the Fort Lauderdale, Florida, Defense-Rental Area, and all unincorporated localities in the remainder of said Defense-Rental Area, based on a resolution submitted for said City of Fort Lauderdale in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Fort Lauderdale being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, item 194 is amended to describe the counties in the Defense-Rental Area as follows:

Curry.

This decontrols from §§ 825.1 to 825.12 (1) the City of Portales in Roosevelt County, New Mexico, a portion of the Clovis, New Mexico, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Roosevelt County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 60 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 24, 1949.

Issued this 24th day of June 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5157; Filed, June 28, 1949;
8:47 a. m.]

¹ 13 F. R. 5706, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1587, 1666, 1667, 1733, 1760, 1823, 1863, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353.

[Controlled Housing Rent Reg.,¹ Amdt. 118]

**PART 825—RENT REGULATIONS UNDER THE
HOUSING AND RENT ACT OF 1947, AS
AMENDED**

ARKANSAS AND KANSAS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 22a, is amended to read as follows:

(22a) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Hot Springs, Arkansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 118, is amended to describe the counties in the Defense-Rental Area as follows:

Geary.

This decontrols from §§ 825.1 to 825.12 Riley County, Kansas, in the Junction City-Manhattan, Kansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 121, is amended to describe the counties in the Defense-Rental Area as follows:

Saline.

This decontrols from §§ 825.1 to 825.12 Dickinson and McPherson Counties, Kansas, in the Salina, Kansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 24, 1949.

Issued this 24th day of June 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5154; Filed, June 28, 1949;
8:46 a. m.]

**TITLE 27—INTOXICATING
LIQUORS**

**Chapter I—Bureau of Internal Revenue,
Department of the Treasury**

[T. D. 5707]

**PART 5—LABELING AND ADVERTISING OF
DISTILLED SPIRITS**

MISCELLANEOUS AMENDMENTS

Notices of public hearings to be held in Washington, D. C., on October 18 and 25, 1948, and in San Francisco, California, on October 6, 1948, with respect to certain proposals to amend Regulations No. 5, relating to Labeling and Advertising of Distilled Spirits, were published in the FEDERAL REGISTER on August 25, 1948 (13 F. R. 4924 and 4926).

Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding proposals numbered 1-15, inclusive, of the notice of hearing on the proposals "with respect to Scotch, Irish and Canadian whiskies and types thereof and to other matters" and proposals numbered 1-12, inclusive, of the notice of hearing with respect to "prescribing a standard of identity for Vodka and for other purposes", the following amendments to section 21, Classes 1, 2 (n), 2 (o), 6, 8 and 9 (a), section 34 (b), (d), (e) and (f), section 38 (d), section 39 (a), (c) and (e), and section 64 (c) of said Regulations No. 5 are hereby adopted, to become effective as stated:

1. a. In order to permit the labeling of "blended Scotch type whisky" with an unqualified age statement, instead of a statement of storage, for any "whisky" therein which was stored in reused cooperage, even though such whisky was produced in the United States, and to permit a statement of the age and percentage of each of the component whiskies, the final unnumbered paragraph of section 39 (a) (27 CFR 5.39 (a)) is amended by changing the period at the end thereof to a colon and adding the following proviso: "Provided, That this paragraph shall not apply to 'blended Scotch type whisky' or to any whisky properly contained therein."

b. Section 39 (c) (1) (27 CFR 5.39 (c) (1)) is amended by deleting the first two sentences and inserting in lieu thereof the following:

(1) In the case of blended Scotch type whisky, there shall be stated the age of the malt whisky (or if there be two or more malt whiskies, the youngest thereof) and the age of the other whisky (or if there be two or more other whiskies, the youngest of such other whiskies) together with the percentages by volume of the malt whisky and of the other whisky therein. The statement of ages and percentages shall be in the following form: "The malt whisky in this product is ---- (years and/or months) old; ---- percent malt whisky, ---- percent whisky, ---- (years and/or months) old" or, if more than one malt whisky or more than one other whisky is in the blend, the relevant portion of such statement shall read "The malt whiskies in this product are ---- (years and/or months) or more old" and "---- percent whisky ---- (years and/or months) or more old", as the case may be.

and section 39 (c) (1) (27 CFR 5.39 (c) (1)) is also further amended by adding the following paragraph thereto:

In addition (but not as a substitute for the foregoing statement) a statement may be made of the ages and percentages of all of the malt whiskies and whiskies in the product. Such statement, if made, shall be in the following form: "---- percent malt whisky, ---- years old; ---- percent malt whisky, ---- years old; ---- percent whisky, ---- years old; and ---- percent whisky, ---- years old." The age and percentage blanks shall be filled with the respective ages and percentages of each of the malt whiskies and whiskies in the product.

These amendments relieve restrictions formerly contained in the regulations and shall become effective on the date of their publication in the *FEDERAL REGISTER*.

2. In order to require that "blended Scotch type whisky" be composed entirely of whiskies by eliminating the present provisions permitting the use of not more than 80 percent by volume of neutral spirits and to require that all of the whisky in "blended Scotch type whisky" be aged for not less than 3 years in new plain, or reused, oak containers, section 21, Class 2 (n) (27 CFR 5.21 (b) (14)) is amended to read:

(14) "Blended Scotch type whisky" (Scotch type whisky—a blend) is a mixture made outside Great Britain and composed of—

(i) Not less than 20 percent by volume of 100° proof malt whisky or whiskies distilled in pot stills at not more than 160° proof (whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof) solely from a fermented mash of malted barley dried over peat fire and aged for not less than 3 years in new plain, or reused, oak containers, and

(ii) Not more than 80 percent by volume of whisky distilled at more than 180° proof (whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof) aged for not less than 3 years in new plain, or reused, oak containers.

and section 39 (c) (1) (27 CFR 5.39 (c) (1)) is further amended by deleting the third and fourth sentences thereof.

These amendments shall become effective 3 years and 6 months after the date of publication in the *FEDERAL REGISTER*.

3. In order to remove from the standards of identity the standard for "blended Irish type whisky" (Irish type whisky—a blend), and to remove from the regulations any recognition of this product as a type of whisky, section 21, Class 2 (27 CFR 5.21 (b)) is amended by deleting subparagraph (o) (27 CFR 5.21 (b) (15)) thereof, section 34 (f) (27 CFR, Cum. Supp., 5.34 (f)) is amended by changing the parenthetical phrase in the third sentence thereof to read: "(other than American type whisky and blended Scotch type whisky)" and section 39 (c) (27 CFR 5.39 (c)) is amended by deleting the words "and blended Irish type whisky" from the heading of this subsection and deleting paragraphs numbered (2) and (3) thereof.

These amendments shall become effective six months after the date of publication in the *FEDERAL REGISTER*.

4. In order to require, where any of the specified types of whisky is composed of whisky or whiskies which were produced in a country other than that indicated by the required type designation, that there be stated on the government label the country of origin of such whisky or whiskies and the percentage thereof in the product, section 21, Class 9 (a) (27 CFR 5.21 (i) (1)) is amended by adding the following at the end thereof: "If whisky of any of these types is composed in part of whisky or whiskies produced in a foreign country there shall be stated,

on the government label, the percentage of such whisky and the country of origin thereof. Such statement shall appear as a part of, or in direct conjunction with, any age or percentage statement which may be required under section 39 (27 CFR 5.39)."

And section 34 (f) (27 CFR, Cum. Supp., 5.34 (f)) is further amended by inserting the following between the second and third sentences thereof: "In the case of any of the types of whisky defined in any of the subsections of section 21, Class 2 (27 CFR 5.21 (b)) which contains any whisky or whiskies produced in a country other than that indicated by the type designation, there shall be stated on the government label the percentage of such whisky and the country of origin thereof. If any age or percentage statement is required under section 39 (27 CFR 5.39) the statement herein required shall appear as a part of, or in direct conjunction with, such age and percentage statement."

These amendments shall become effective six months after the date of publication in the *FEDERAL REGISTER*.

5. In order to specifically prohibit the use of the words "Scotch" or "Highlands" and similar words to designate products, other than Scotch type whisky, which were not produced in Scotland, section 21, Class 8 (27 CFR 5.21 (h)) is amended by adding thereto a new subsection (d) (27 CFR 5.21 (h) (4)) as follows:

(4) The words "Scotch", "Scots", "Highland" or "Highlands" and similar words connoting, indicating, or commonly associated with Scotland, shall not (except for the use of the word "Scotch" in the type designation "blended Scotch type whisky") be used to designate any product not wholly produced in Scotland.

This amendment shall become effective six months after the date of publication in the *FEDERAL REGISTER*.

6. In order to provide a standard of identity for vodka section 21, Class 1 (27 CFR, Cum. Supp., 5.21 (a)) is amended by adding thereto a new subsection (a) (27 CFR, Cum. Supp., 5.21 (a) (1)) to read as follows:

(1) "Vodka" is neutral spirits distilled from any material at or above 190° proof, reduced to not more than 110° proof and not less than 80° proof and, after such reduction in proof, so treated by one of the following methods as to be without distinctive character, aroma, or taste:

(i) By causing the distillate to flow continuously through a tank or a series of tanks containing at least 1½ pounds of charcoal for each gallon of distillate contained therein at any one time so that the distillate is in intimate contact with the charcoal for a period of not less than 8 hours, not less than 10 percent of the charcoal being replaced by new charcoal at the expiration of each 40 hours of operation, at a rate which will replace at least 6 pounds of charcoal for every 100 gallons of spirits treated;

(ii) By keeping the distillate in constant movement by mechanical means in contact for not less than 8 hours with at least 6 pounds of new charcoal for every 100 gallons of distillate;

(iii) By purifying or refining the distillate by any other method which the Deputy Commissioner finds will result in a product equally without distinctive character, aroma or taste, and which has been approved by him.

After such treatment the distillate is stored in metal, porcelain or glass containers or paraffin-lined tanks, and bottled at not less than 80° proof. If any flavoring material is added to the distillate it shall be designated "flavored vodka" and may be further qualified with the name of the flavoring material used.

This amendment shall become effective 1 year after date of publication in the *FEDERAL REGISTER*.

7. In order to prescribe standards of identity for bourbon and rye liqueurs and for "rock and rye", "rock and bourbon", "rock and rum" and "rock and brandy", section 21, Class 6 (27 CFR 5.21 (f)) is amended by adding at the end thereof the following two new subsections (e) and (f) (27 CFR 5.21 (f) (5) and (6)):

(5) *Rye liqueur, bourbon liqueur.* "Rye liqueur", "bourbon liqueur" (rye, bourbon cordial) are liqueurs, bottled at not less than 60° proof, in which not less than 51 percent, on a proof basis, of the distilled spirits used are, respectively, rye or bourbon whisky, straight rye or straight bourbon whisky, or whisky distilled from a rye or bourbon mash, and which possess a predominant characteristic bourbon or rye flavor derived from such whisky.

(6) *Rock and rye, rock and bourbon, rock and brandy, rock and rum.* "Rock and rye", "rock and bourbon", "rock and brandy", "rock and rum" are liqueurs, bottled at not less than 48° proof, in which, in the case of rock and rye and rock and bourbon, not less than 51 percent, on a proof basis, of the distilled spirits used are, respectively, rye or bourbon whisky, straight rye or straight bourbon whisky, or whisky distilled from a rye or bourbon mash, and, in the case of rock and brandy and rock and rum, the distilled spirits used are all grape brandy distilled at not in excess of 170° proof or rum, respectively; containing rock candy or sugar syrup, with or without the addition of fruit, fruit juices or other natural flavoring materials, and possessing, respectively, a predominant characteristic rye, bourbon, brandy or rum flavor derived from the distilled spirits used.

This amendment shall become effective six months after date of publication in the *FEDERAL REGISTER*.

8. In order to prohibit a bottled highball, cocktail, or other prepared specialty from bearing a designation indicating that it is composed of a certain class or type of distilled spirits unless it is in fact so composed, section 34 (b) (27 CFR, Cum. Supp., 5.34 (b)) is amended by adding the following sentence at the end thereof: "No highball, cocktail or other prepared specialty shall bear a designation, whether through trade understanding or otherwise, which indicates that it is composed of a certain class or type of distilled spirits, unless, in fact, the distilled spirits used in its preparation conform to such class or type."

This amendment shall become effective six months after date of publication in the FEDERAL REGISTER.

9. In order to require that, as to distilled spirits treated with wood chips or stored in reused cooperage in the future, the statements "colored and flavored with wood chips" and "distilled from rye (or bourbon, wheat, malt or rye malt) mash", now required by sections 34 (d) and 34 (e) (27 CFR, Cum. Supp., 5.34 (d) and 27 CFR 5.34 (e)) to be stated in direct conjunction with the class and type designations of certain distilled spirits, be stated as a part of such class and type designation, section 34 (d) (27 CFR, Cum. Supp., 5.34 (d)) and section 34 (e) (27 CFR 5.34 (e)) are amended by deleting the words "in direct conjunction with" appearing in each of these subsections in the phrase " * * * there shall be stated in direct conjunction with the class and type designation * * *" and inserting in lieu thereof the words "as a part of."

This amendment shall become effective one month after date of publication in the FEDERAL REGISTER but shall have no effect upon the labeling of existing stocks of distilled spirits so treated or stored prior to that date.

10. In order to permit, only in the case of such whiskies and brandies as may be, but are not required to be, labeled with an age statement, general inconspicuous references to age and maturity regardless of whether or not the labels of the products contain the optional age statement, section 39 (e) (5) (27 CFR 5.39 (e) (5)) is amended by changing the period at the end of the first sentence to a colon and adding the following proviso: "Provided, That the labels of such whiskies and brandies as are not required to bear a statement of age on the label may contain general inconspicuous age, maturity or other similar representations even though the label does not bear the optional age statement."

and section 64 (c) (27 CFR 5.64 (c)) is amended by adding at the end thereof the following sentence: "An advertisement for any whisky or brandy which is not required to bear a statement of age on the label may, however, contain general inconspicuous age, maturity or other similar representations even though the optional age statement does not appear on the label of the advertised product and in the advertisement itself."

These amendments relieve restrictions previously contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

11. In order to permit the elimination of the word "other," as applied to whiskies other than straight whiskies, in the age and percentage statement required to appear on the labels of blended whiskies, section 39 (a) (3) (27 CFR 5.39 (a) (3)) is amended by deleting the word "other" from the required age and percentage statements set forth in quotation marks in the second paragraph thereof.

This amendment relieves a restriction previously contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

12. In order to permit a statement of the predominant type of straight whisky in the designation of blends of straight whiskies which are composed of 51% or more of one type of straight whisky, if the percentage of this type in the blend appears on the back label, section 39 (a) (4) (27 CFR 5.39 (a) (4)) is amended by changing the period at the end of the second sentence thereof to a colon and adding the following proviso to that sentence:

Provided, That, if the product is composed of 51 percent or more, but less than 100 percent, of one type of straight whisky and the class and type designation contains a reference to this predominant type, the required statement shall contain a statement of the percentage of this predominant type in the product as follows:

The straight whiskies in this product are ---- (years and/or months) or more old, ---- percent straight ---- whisky, the blanks to be filled in with the appropriate age, percentage and type statements.

This amendment conforms to the present administrative interpretation of the regulations, imposes no new restrictions, and shall become effective on the date of publication in the FEDERAL REGISTER.

13. In order to permit the statement "certified color added" in lieu of the statement "artificially colored" upon the labels of distilled spirits where the latter statement would be required solely because the product contains coloring materials which have been certified as suitable for use in foods by the Food and Drug Administration, section 38 (d) (27 CFR, Cum. Supp., 5.38 (d)) is amended by changing the period at the end thereof to a colon and adding the following further proviso: "And provided further, That where such statement would be required solely by reason of the use of coloring materials which have been certified as suitable for use in foods by the Food and Drug Administration, there may be stated, in lieu of 'artificially colored,' the phrase 'certified color added'."

This amendment relieves a restriction presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

(This Treasury Decision is issued pursuant to and under the authority contained in section 5 (e) and (f) of the Federal Alcohol Administration Act, as amended (27 U. S. C. 205 (e) and (f)), Reorganization Plan No. III, Paragraph 2 (54 Stat. 1232), section 3170 of the Internal Revenue Code (53 Stat. 373) and section 161 of the Revised Statutes (5 U. S. C. 22))

(Sec. 5, 49 Stat. 982, 53 Stat. 375; 27 U. S. C. 205, 26 U. S. C. 3176)

[SEAL] CARROLL E. MEALEY,
Deputy Commissioner
of Internal Revenue.

Approved: June 22, 1949.

FRED S. MARTIN,
Commissioner of Internal
Revenue.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.
[F. R. Doc. 49-5146; Filed, June 28, 1949;
9:03 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9298]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 7—COASTAL AND MARINE RELAY SERVICES

PART 8—SHIP RADIO SERVICE

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of June 1949;

The Commission having under consideration the matter of the proposed amendment of Part 2 of its general rules and regulations, and Parts 7, 8, and 12 of its rules governing Coastal and Marine Relay Services, Ship Radio Service, and Amateur Radio Service, respectively, to provide for the allocation and assignment of an exclusive intership working frequency, 2003 kilocycles, to the Great Lakes area and to provide rules governing the use of that frequency; and

It appearing, that on April 21, 1949, general notice of proposed rule making with respect thereto was published in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments on the notice of proposed rule making expired May 10, 1949, and during that period the Commission received only one comment thereon; and

It further appearing, that the Commission has considered this comment, and the amendments herein ordered reflect such consideration; and

It further appearing, that authority for the proposed amendment is contained in sections 303 (b) (c) (d) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective August 1, 1949, Part 2 of the Commission's general rules and regulations, and Parts 7, 8, and 12 of the Commission's rules governing Coastal and Marine Relay Services, Ship Radio Service, and Amateur Radio Service, respectively, be amended as set forth below.

Released: June 22, 1949.

(Sec. 303 (r), 50 Stat. 191; 47 U. S. C. applies sec. 303 (b), (c), (d), and (f), 48 Stat. 1082; 47 U. S. C.)

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

Parts 2, 7, 8 and 12 of the Commission's rules and regulations are amended as follows:

1. Section 2.104 (a) is amended by the insertion of the following at an appropriate place in the Table of Frequency Allocations:

U. S.		Federal Communications Commission				
Band kc	Allocation	Band kc	Service	Class of station	Frequency kc	Nature— of service of stations
5	6	7	8	9	10	11
2000-2006		2000-2006	Maritime Mo- bile. ⁴	a. Coast, b. Ship.	2003	Maritime Mobile. ⁷

⁴ This allocation is temporary in the sense that it shall be subject to cancellation or modification by the Commission without the necessity of a hearing, if in the discretion of the Commission such action is necessary or desirable in connection with the implementation of the Atlantic City Table of Frequency Allocations.

⁷ The frequency 2003 kc is designated for use in the Maritime Mobile Service in the Great Lakes area only.

2. Section 7.58 (c) is amended as follows: a. Add the following at the beginning of the first column: "10b 2003 (Great Lakes only)."

^{10b} Available for assignment to coastal-harbor stations for communication only with ship telephone stations on the Great Lakes upon the condition that excessive interference will not be caused to the service of maritime mobile stations.

b. Add at the end of footnote 19 the following sentence: "After January 1, 1950 not available for use by coastal harbor stations in the Great Lakes area."

3. Section 7.61 (d) is amended to read as follows:

(d) The frequencies 2003^{22a} and 2738^{22b} kilocycles may be authorized for use by coastal-harbor stations only for distress or emergency communication.

^{22a} Subject to cancellation or modification by the Commission, without the necessity of a hearing, if in the discretion of the Commission, such action is necessary or desirable in connection with the implementation of the Atlantic City Table of Frequency Allocations.

^{22b} After January 1, 1950, not available for use by coastal-harbor stations in the Great Lakes area.

4. Section 8.54 is amended in the following particulars:

a. Paragraph (b) is amended by substituting for the phrase therein, "2100-2200 kilocycles", the phrase "2000-2200 kilocycles."

b. Paragraph (d) is amended to read as follows:

(d) Before transmitting on the frequency 2003 kilocycles or 2738 kilocycles, ship stations shall first establish communication with each other on the frequency 2182 kilocycles by initially calling and answering on the latter frequency.

5. Section 8.81 (d) is amended as follows:

a. Add the following at the beginning of the first column: "2003 (Great Lakes only)."

^{20a} This allocation is temporary in the sense that it shall be subject to cancellation or modification by the Commission without the necessity of a hearing, if in the discretion of the Commission such action is necessary or desirable in connection with the implementation of the Atlantic City Table of Frequency Allocations.

b. Add footnote ^{20b} to the frequency 2738 kc as follows:

^{20b} After January 1, 1950, not available for use on the Great Lakes.

6. Section 8.93 is amended by the insertion of the phrase "2003" immediately preceding the phrase "2182."

7. Section 8.94 is amended to read as follows:

§ 8.94 *Shared use of 2003, 2638, and 2738 kilocycles.* (a) Any one exchange of communications between any two ship stations on 2003, 2638 or 2738 kilocycles, or between a ship and a coastal station on the frequency 2003 kilocycles or on 2738 kilocycles, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the frequencies 2638 kilocycles or 2738 kilocycles shall not again be used for communication between the same two stations until 15 minutes have elapsed: *Provided*, That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(b) The alternate transmission on 2003 kilocycles, 2638 kilocycles, or 2738 kilocycles by each of two stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these frequen-

cies and for this purpose, both stations shall transmit and receive on the same frequency: *Provided*, That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment this method of communication cannot be used.

8. Section 8.95 is amended in the following particulars:

a. The title thereof is amended to read as follows:

§ 8.95 *Authorized use of 2003, 2638, and 2738 kilocycles.*

b. Paragraph (a) is amended by changing the phrase "frequency 2738 kc" to read "frequencies 2003 and 2738 kilocycles" and by the insertion immediately after 2738 kilocycles of a numbered footnote ^{20a} to read as follows:

^{20a} After January 1, 1950, not available for use on the Great Lakes.

9. Section 8.98 is amended in the following particulars:

a. Paragraph (c) is amended by the insertion of the phrase "2003" immediately preceding the phrase "2182", and add footnote ^{20a} after 2738 kilocycles to read as follows:

^{20a} After January 1, 1950, not available for use on the Great Lakes.

b. Paragraph (d) is amended by deleting therefrom the phrase "2100-2200" and substituting therefor the phrase "2000-2200" and by adding the numbered footnote 39a to the phrase "2734-2742".

10. Section 8.132 (a) is amended by deleting the phrase "2100-2200 kilocycles" and substituting therefor the phrase "2000-2200 kilocycles", and adding the numbered footnote ^{20a} to the phrase "2734-2742".

^{20a} After January 1, 1950, not available for use on the Great Lakes.

11. Section 12.111 (a) (1) is amended in the following particulars:

a. By deleting in subparagraph (1) the phrase "1800 to 2050 kc." and substituting therefor the phrase "1800 to 2000 kc. and 2006 to 2050 kc."

b. By deleting in subdivision (ii) the phrase "2000 to 2050 kc." and substituting therefor the phrase "2006 to 2050 kc."

[F. R. Doc. 49-5170; Filed, June 28, 1949; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 977]

[Docket No. AO-183 A-1]

HANDLING OF MILK IN PADUCAH, KY., MARKETING AREA

PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Part 900.1 et seq.), notice is hereby given of a public hearing to be held at the Court House, Paducah, Kentucky, beginning at 9:30 a. m., c. s. t., July 6, 1949, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling

of milk in the Paducah, Kentucky, milk marketing area (7 CFR, Part 977.0 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the Order (No. 77) for the Paducah, Kentucky, milk marketing area were proposed as follows:

By the Dairy Branch, Production and Marketing Administration:

1. Amend § 977.3 by adding a new paragraph to read as follows:

(c) *Retention of records.* All books and records required under this order to

be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

By Midwest Dairy Products Corporation:

2. Amend § 977.4 (c) (1) by deleting the period (.) and adding the following: "; such proof being in the event the first handler is unable to effectuate the sale and disposition of any milk, skim milk, or cream and is obliged therefore to make disposal without any reimbursement to him, the affidavit of principal executive of the handling firm, together with the one other responsible member of the organization, shall be accepted by the Administrator as proof of such disposition, and the product so disposed of be placed in Class II."

By Paducah Graded Milk Producers Association:

3. Delete § 977.5 (a) (1) and substitute therefor the following:

(1) *Class I milk*. The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: \$1.50 for the delivery period of August, September, October, November, and December; \$0.80 for the delivery periods of July, January, February, and March; and \$0.40 for the delivery periods of April, May, and June: *Provided*, That if, for the 12 months preceding August and January of any year the total production of producer milk was less than 135 percent of the total Class I milk of the market, 2 cents per hundredweight shall be added to such price during the delivery periods of August, September, October, November, December, January, February, March, and July for each percentage point that the total receipts of producer milk is less than 135 percent of Class I milk of the market: *And provided further*, That if for the 12 months preceding August and January of any year the total receipts of producer milk is more than 135 percent of the Class I milk of the market, then 2 cents per hundredweight shall be deducted from such price during the delivery periods of August, September, October, November, December, January, February, March, and July for each percentage point that total receipts of producer milk exceeds 135 percent of the Class I milk of the market.

By Midwest Dairy Products Corporation:

4. Amend § 977.5 (a) (1) by omitting July from the months having a differential of \$0.85 and adding July to the months having a differential of \$0.65.

5. Amend § 977.9 to exclude from the Administrator's charge of 5 cents per hundredweight, milk received from outside sources into the Paducah area pool, against which an Administrator's charge has been assessed in another pool.

6. Further amend § 977.9 by reducing the assessment rate from the present "5 cents" to "3 cents" per hundredweight.

7. Amend the order to exclude sour cream utilized in the manufacture of butter from the reporting, accounting, and assessment provisions.

By the Dairy Branch, Production and Marketing Administration:

8. Amend the order by adding a new section to read as follows:

§ 977.15 *Termination of obligations*. The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before March 1, 1950, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated

with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

9. Make such other changes as may be required to make the entire marketing agreement and the order conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement and the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1846, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 24, 1949.

[SEAL]

JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-5184; Filed, June 28, 1949;
8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9343]

[47 CFR, Parts 2, 9]

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 9, rules governing Aeronautical Services and Part 2, rules governing Frequency Allocations and Radio Treaty Matters.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Commission's rules and regulations governing Aeronautical Services to provide 2 new classes of stations to be used in connection with the activities of the Civil Air Patrol. The proposed amendments would read as follows:

§ 9.9 (a) *Civil Air Patrol land station*. A land station used exclusively for communications of the Civil Air Patrol.

(b) *Civil Air Patrol mobile station*. A mobile station used exclusively for communications of the Civil Air Patrol.

§ 9.193 *Permissible communications*. All ground stations in the aeronautical radiocommunications service shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air; *Provided, however*,

That aeronautical Public Service stations, and land and mobile stations of the Civil Air Patrol, may communicate in accordance with the particular sections of these rules which govern the operation of those classes of stations.

CIVIL AIR PATROL STATIONS

§ 9.911 *Eligibility for station license.* Authorizations for land and mobile stations of the Civil Air Patrol will be issued only to units or headquarters of the Civil Air Patrol. All applications will be supported by a confirming statement from the proper military authority.

§ 9.912 *Frequencies available.* The frequencies 2374 kc, A1, A2, A3 emission and 148.14 Mc, A2, A3 emission, have been made available by the military for assignment by the Commission to land and mobile stations of the Civil Air Patrol.

§ 9.913 *Scope of service.* (a) Land and mobile stations of the Civil Air Patrol may be used only for training, operational and emergency activities of the Civil Air Patrol.

(1) Civil Air Patrol land stations may communicate with other land stations and mobile stations of the Civil Air Patrol.

(2) Civil Air Patrol mobile stations may communicate with other mobile stations and land stations of the Civil Air Patrol.

§ 9.914 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(c) Aircraft radio stations: Aircraft radio stations using radiotelephony shall be operated by persons holding any class of commercial radio operator license or permit or an aircraft radiotelephone operator authorization.

(d) Ground radio stations: Each transmitter shall be operated in the manner prescribed in this paragraph except for such operation as may come within the provisions of paragraph (a) of this section.

(1) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5) and (6) of this paragraph, an unlicensed person may operate a land mobile station

during the course of normal rendition of service when transmitting on frequencies above 25 Mc after being authorized to do so by the station licensee.

(2) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), (6), and (7) of this paragraph, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc: *Provided, however,* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc while it is associated with and under the operational control of a base station of the same station licensee.

(3) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), (6) and (7) of this paragraph, land stations shall be operated when transmitting during the course of normal rendition of service by a person holding a commercial radio operator license or permit of any class, which licensed operator may permit other persons to transmit or to communicate over the facilities of the station in accordance with the term of the station license: *Provided,* That the licensed operator shall remain in full control of and shall be fully responsible for the emission of that station and shall suspend the radiation of the transmitter immediately when there is a deviation from the terms of the station license: *And provided further,* That the person manipulating the telegraph key for the transmission by manual or semi-automatic means of telegraphy by any type of the Morse Code by such station shall hold a class of radiotelegraph operator's license which is valid for the operation of that station.

(4) The provisions of this section authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service. For the purposes of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations, is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in

the international service is one which is not in the domestic service as just defined.

(5) The provisions of this paragraph authorizing certain unlicensed persons to operate land mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(6) Notwithstanding any other provisions of this paragraph, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used), issued by the Commission.

(7) Any reference in this paragraph to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

3. It is proposed to amend Part 2, the Commission's rules governing frequency Allocations and Radio Treaty Matters; general rules and regulations, to provide for Civil Air Patrol stations as indicated below.

(a) In Subpart A—Definitions, § 2.1, add the definition:

Civil Air Patrol Land Station (FLV). A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol Mobile Station (MOV). A mobile station used exclusively for communications of the Civil Air Patrol.

(b) In Subpart B—Allocation Assignment and Use of Radio Frequencies:

In § 2.101—Station Symbols:

Insert the symbol "FLV" after the symbol "FLU". Opposite "FLV" insert the term "Civil Air Patrol Land Station" directly under the term "Aeronautical Utility Land Station".

Insert the symbol "MOV" after the symbol "MOU". Opposite "MOV" insert the term "Civil Air Patrol Mobile Station" directly under the term "Aeronautical Utility Mobile Station".

In § 2.104 (a), Table of Frequency Allocations: Amend columns 5 and 11 of the Table of Frequency Allocations in the band 148-174 Mc. as follows:

Amendment to columns 5 and 11 of the Table of Frequency Allocations, § 2.104 (a) of the rules and regulations of the Federal Communications Commission, concerning the band 148-174 Mc:

World wide		Region 2		U. S.		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency	Nature— of services of stations
1	2	3	4	5	6	7	8	9	10	11
146- 235		148- 174	a. Fixed. b. Mobile.	148-152 (US21)	G				148.14	Civil air patrol land, Civil air patrol mobile.

US21 The use of the frequency 148.14 Mc may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to government stations in the band 148-152 Mc.

4. The proposed amendments are issued under the authority of sections 303 (a), (b), (c), (d), (e), (l) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file

with the Commission on or before August 1, 1949, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments, briefs or arguments presented before taking final action with respect to the proposed amendments.

Adopted: June 15, 1949.

Released: June 16, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5169; Filed, June 28, 1949;
8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 8, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 202.93 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION
No. 154

For lease and sale for homesites only:

T. 1 N., R. 5 E., S. B. M.,
Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
and Lot 1.

Leases for lands in Lot 1 will not be issued until a supplemental plat has been approved, dividing the acreage and assigning tract numbers.

This land is located in San Bernardino County, California, approximately two miles north of the Twentynine Palms Highway and three miles northeast of Yucca Village. The topography is rolling, with a number of small granite peaks. The vegetation is a typical desert shrub type with juniper and a number of Joshua trees. The land can be reached by a good graded road and development costs should be generally moderate, with the exception of water supply. There is no water on the land, and subsurface supplies have not been explored. There is little possibility that any income can be derived from this land.

2. As to applications regularly filed prior to 3:00 p. m., March 30, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 10, 1949, to the close of business on November 8, 1949.

(b) Advance period for veterans' simultaneous filings from 3:00 p. m.,

March 30, 1948, to the close of business on August 10, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:00 p. m., March 30, 1948, to the close of business on November 9, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$20.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5161; Filed, June 28, 1949;
8:48 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JUNE 8, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 448.15 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION
No. 155

For lease and sale for homesites only:

T. 1 N., R. 5 E., S. B. M.,
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, and Lots 2, 3 and 4.

Leases for lands in Lots 2, 3 and 4 will not be issued until a supplemental plat has been approved, dividing the acreage and assigning tract numbers.

This land is located in San Bernardino County, California, approximately two miles north of the Twentynine Palms Highway and three miles northeast of Yucca Village. The topography is rolling, with a number of small granite peaks. The vegetation is a typical desert shrub type with juniper and a few Joshua trees. The land can be reached by a good graded road and development costs should be generally moderate, with the exception of water supply. There is no water on the land and subsurface supplies have not been

explored. There is little possibility that any income can be derived from this land.

2. As to applications regularly filed prior to 3:00 p. m., March 21, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 10, 1949, to the close of business on November 8, 1949.

(b) Advance period for veterans' simultaneous filings from 3:00 p. m., March 24, 1948, to the close of business on August 10, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:00 p. m., March 24, 1948, to the close of business on November 9, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$20.00 an acre,

application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5162; Filed, June 28, 1949;
8:48 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JUNE 8, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 140 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 156

For lease and sale for homesites only:

T. 1 N., R. 5 E., S. B. M.,
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.

This land is located about five miles north of the Twentynine Palms Highway and approximately two miles northeast of Pioneertown in San Bernardino County, California. The northeast corner of Section 8 is accessible by unsurfaced road, but the remaining land is inaccessible by automobile. The vegetation consists of desert shrubs, juniper and yucca. The topography is hilly and the surface is rocky. The land contains no surface water, and the underground water supply has not been determined. In general the area will be expensive to develop, but it is more interesting and scenic than the more level desert basins in the vicinity.

2. As to applications regularly filed prior to 3:00 p. m., April 30, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 10, 1949, to the close of business on November 8, 1949.

(b) Advance period for veterans' simultaneous filings from 3:00 p. m., April 30, 1948, to the close of business on August 10, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:00 p. m., April 30, 1948, to the close of business on November 9, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south. In the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, and east and west in the E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$20.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the au-

thorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5163; Filed, June 28, 1949;
8:48 a. m.]

NEVADA
CLASSIFICATION ORDER

JUNE 8, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Carson City, Nevada, land district, embracing 40 acres,

NEVADA SMALL TRACT CLASSIFICATION No. 36

For lease and sale for homesites only:

T 21 S., R. 61 E., M. D. M.,
Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

This land is situated in Clark County, Nevada, approximately 4 miles from the city limits of Las Vegas, one of the largest towns in the State. It can be reached over a paved road that was the former State Highway leading to Los Angeles, California. The climate is hot in summer, with mild winters. The area is one that is used extensively for health and recreation.

2. As to applications regularly filed prior to 8:30 a. m., March 21, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by application referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1949. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 10, 1949, to the close of business on November 8, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 21, 1946, to the close of business on August 10, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 21, 1946, to the close of business on November 9, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$75.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to all existing rights-of-way and rights-of-way for access roads and public utilities as follows:

33 feet along the north and east sides of the subdivision,

16½ feet along the south side of the subdivision,

16½ feet along the east side of the W½W½SE¼SW¼ and W½E½SE¼SW¼,

16½ feet along the west side of the E½W½SE¼SW¼ and E½E½SE¼SW¼.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5164; Filed, June 28, 1949;
8:48 a. m.]

NEVADA
CLASSIFICATION ORDER

JUNE 8, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3),

13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Carson City, Nevada, land district, embracing 80 acres,

NEVADA SMALL TRACT CLASSIFICATION No. 37

For lease and sale for homesites only:

T 21 S., R 61 E., M. D. M.,
Sec. 34, E½NW¼.

This land is situated in Clark County, Nevada, approximately 4 miles from the city limits of Las Vegas, one of the largest towns in the state. It can be reached over a paved road that was the former State Highway leading to Los Angeles, California. The climate is hot in summer, with mild winters. The area is one that is used extensively for health and recreation.

2. As to applications regularly filed prior to 10:00 a. m., December 6, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 10, 1949, to the close of business on November 8, 1949.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m., December 6, 1948, to the close of business on August 10, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1949.

(a) Advance period for simultaneous nonpreference filings from 10:00 a. m., December 6, 1948, to the close of business on November 9, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$75.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to rights-of-way for access roads and public utilities as follows:

16½ feet along north and south sides of NE¼NW¼ and north side of SE¼NW¼.

16½ feet along east side of W½W½E½NW¼ and W½E½E½NW¼.

16½ feet along west side of E½W½E½NW¼ and E½E½E½NW¼.

33 feet along south side of SE¼SW¼.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5165; Filed, June 28, 1949;
8:49 a. m.]

NEVADA

CLASSIFICATION ORDER

JUNE 8, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Carson City, Nevada, land district, embracing 360 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 38

For lease and sale for homesites only:

T. 22 S., R. 61 E., M. D. M.,
Sec. 16, E½ and SE¼NW¼.

This land is situated in Clark County, Nevada, approximately 7 miles from the city limits of Las Vegas, one of the largest towns in the state. It can be reached over U. S. Highway 91-466 leading to Los Angeles, California. The climate is hot in summer, with mild winters. The area is one that is used extensively for health and recreation.

2. As to applications regularly filed prior to 9:30 a. m., April 25, 1949, and are for the type of site which the

land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 10, 1949, to the close of business on November 8, 1949.

(b) Advance period for veterans' simultaneous filings from 9:30 a. m., April 25, 1949, to the close of business on August 10, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:30 a. m., April 25, 1949, to the close of business on November 9, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b), and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$30.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to existing rights-of-way and rights-of-way for access roads and public utilities as follows:

33 feet along the south side of the SE¼,
16½ feet along the south side of the N½NE¼, S½NE¼ and N½SE¼.

16½ feet along the north side of the S½NE¼, N½SE¼ and S½SE¼.

16½ feet along the west side of the E½E½E½, W½E½E½, E½W½E½ and W½W½E½.

16½ feet along the east side of the W½E½E½, E½W½E½, and W½W½E½.
16½ feet along all four sides of the SE¼NW¼.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5166; Filed, June 28, 1949;
8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by the regulations of the Secretary of Agriculture (7 CFR 52.1), the Director, Fruit and Vegetable Branch, Production and Marketing Administration, is hereby authorized to enter into contracts with applicants to perform inspection service in accordance with 7 CFR 52.52 and to perform all functions vested in the Administrator, Production and Marketing Administration, pursuant to 7 CFR 52.52, including amending and terminating such contracts. The Director may subdelegate this authority to any employee of the Production and Marketing Administration under his supervision.

Dated: June 24, 1949.

[SEAL] RALPH S. TRIGG,
Administrator, Production and
Marketing Administration.

[F. R. Doc. 49-5160; Filed, June 28, 1949;
8:48 a. m.]

Rural Electrification Administration

[Administrative Order 2126]

OREGON

LOAN ANNOUNCEMENT

MAY 20, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oregon 4L Lincoln.....	\$925,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5185; Filed, June 28, 1949;
8:55 a. m.]

NOTICES

[Administrative Order 2127]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Arkansas 15T Woodruff----- \$740,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5186; Filed, June 28, 1949;
8:55 a. m.]

[Administrative Order 2128]

OKLAHOMA

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Oklahoma 19R, S Craig----- \$535,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5187; Filed, June 28, 1949;
8:55 a. m.]

[Administrative Order 2129]

WISCONSIN

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Wisconsin 47R, S Jackson----- \$173,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5188; Filed, June 28, 1949;
8:55 a. m.]

[Administrative Order 2130]

GEORGIA

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation: Amount
Georgia 34P Carroll----- \$435,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5189; Filed, June 28, 1949;
8:55 a. m.]

[Administrative Order 2131]

GEORGIA

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Georgia 67V Bacon----- \$185,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5190; Filed, June 28, 1949;
8:55 a. m.]

[Administrative Order 2132]

NORTH DAKOTA

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Dakota 37F McLean----- \$25,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5191; Filed, June 28, 1949;
8:55 a. m.]

[Administrative Order 2133]

FLORIDA

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Florida 28L Madison----- \$775,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5192; Filed, June 28, 1949;
8:55 a. m.]

[Administrative Order 2134]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MAY 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Carolina 49P Surry----- \$860,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5193; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2135]

NEW HAMPSHIRE

LOAN ANNOUNCEMENT

MAY 26, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
New Hampshire 4P Merrimack- \$2,712,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5194; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2136]

NEW HAMPSHIRE

LOAN ANNOUNCEMENT

MAY 26, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
New Hampshire 5A W. M. P----- \$200,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5195; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2137]

ARIZONA

LOAN ANNOUNCEMENT

MAY 26, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Arizona 14N Cochise----- \$20,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5196; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2138]

NEW MEXICO

LOAN ANNOUNCEMENT

MAY 26, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
New Mexico 11H Taos----- \$15,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5197; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2139]

WISCONSIN

LOAN ANNOUNCEMENT

MAY 26, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Wisconsin 57R Rusk----- \$251,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5198; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2140]

MISSOURI

LOAN ANNOUNCEMENT

MAY 26, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Missouri 43U Laclede----- \$615,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5199; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2141]

PENNSYLVANIA

LOAN ANNOUNCEMENT

MAY 31, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Pennsylvania 13U Tloga----- \$100,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5200; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2142]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

MAY 31, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
South Carolina 24R Marion----- \$94,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5201; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2143]

MONTANA

LOAN ANNOUNCEMENT

JUNE 1, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Montana 31C Toole----- \$100,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5202; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2144]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 1, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Missouri 54K Crawford----- \$440,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5203; Filed, June 28, 1949;
8:56 a. m.]

[Administrative Order 2145]

ALLOCATION OF FUNDS FOR LOANS

JUNE 2, 1949.

Inasmuch as Sho-Me Power Corporation has transferred certain of its properties and assets to Black River Electric Cooperative, and Black River Electric Cooperative has assumed in part the indebtedness to United States of America of Sho-Me Power Corporation arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 713, dated June 19, 1942, as amended by Administrative Order No. 1868, dated February 17, 1949, by further changing the project designation appearing therein as "Missouri 2059GT1 Cole" in the amount of \$2,833,625 to read "Missouri 2059GT1 Cole" in the amount of \$2,778,925 and "Missouri 38 Reynolds (Missouri 2059GT1 Cole)" in the amount of \$54,700.

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5204; Filed, June 28, 1949;
8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 3396, 3541]

SERVICE TO MYRTLE BEACH AND GEORGETOWN, S. C.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the applications of the City of Myrtle Beach, City of Georgetown, County of Georgetown, and the South Carolina Aeronautics Commission, under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of existing certificate of public convenience and necessity to provide these cities with air service.

Notice is hereby given that the above-entitled proceeding now assigned for hearing on June 30, 1949, at 10:00 a. m., (eastern daylight saving time) is postponed to 2:30 p. m., (eastern daylight saving time) in Room 2065, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., June 24, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5183; Filed, June 28, 1949;
8:51 a. m.]

[Docket No. 3645 et al.]

VAL-AIR LINES, INC., AND TRANS-TEXAS AIRWAYS; SOUTH TEXAS SERVICE

NOTICE OF HEARING

In the matter of the applications of Val-Air Lines, Inc., and Trans-Texas Airways for a certificate, or amendment of a certificate of public convenience and necessity under section 401, or for exemp-

NOTICES

tion under section 416 (b) of the Civil Aeronautics Act of 1938, as amended. the Civil Aeronautics Act of 1938, as amended, that the above-entitled proceeding is assigned for hearing on July 11, 1949, at 10:00 a. m. (eastern daylight saving time), in Room 2049, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Without limiting the scope of the issues to be met, particular attention will be directed to the following:

1. Does the public convenience and necessity require the route or routes applied for?

2. Is the applicant a citizen of the United States, and is it fit, willing, and able to perform the service for which it is applying?

Further details of the services proposed can be obtained from the applications in Dockets Nos. 3645, 3646, and 3367, and the Examiner's prehearing conference report.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board, on or before July 11, 1949, a statement setting forth the issues of fact or law he desires to controvert.

Dated at Washington, D. C., June 24, 1949.

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5182; Filed, June 28, 1949;
8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9112]

LINCOLN OPERATING CO. AND SUN COAST
BROADCASTING CORP.

ORDER AMENDING ISSUE

In the matter of Lincoln Operating Company, as trustee for Sun Coast Broadcasting Corporation (Assignor), Sun Coast Broadcasting Corporation (Assignee), Docket No. 9112, File No. BAP-72; for assignment of construction permit of standard broadcast station WMIE, Miami, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of June 1949;

The Commission having under consideration a request for clarification of Issue No. 1 in the order of designation of hearing adopted on July 30, 1948, in the above entitled proceeding; and it appearing, that said request is reasonable.

It is ordered, That Issue No. 1 of the Notice is hereby given, pursuant to Commission's order of July 30, 1948, designating the above entitled application for hearing be amended to read:

1. To determine whether Arthur B. McBride and Daniel Sherby, stockholders in the proposed assignee, are legally, fi-

nancially and otherwise qualified to be stockholders in a radio broadcast station.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5171; Filed, June 28, 1949;
8:49 a. m.]

[Docket Nos. 9351, 9352]

MARTIN L. SCHULMAN AND CLINTON
COUNTY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CON- SOLIDATED HEARING ON STATED ISSUES

In re applications of Martin L. Schulman, Plattsburg, New York, Docket No. 9351, File No. BP-7187; Clinton County Broadcasting Corporation, Plattsburg, New York, Docket No. 9352, File No. BP-7227; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of June 1949;

The Commission having under consideration the above-entitled applications of Martin L. Schulman and the Clinton County Broadcasting Corporation each seeking a permit to construct a new standard broadcast station to operate on the frequency 1340 kilocycles, with 250 watts power, unlimited hours of operation in Plattsburg, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Station WMSA, Messina, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed sta-

tions would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Brockway Company, licensee of Station WMSA, Messina, New York is made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSIONS,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5172; Filed, June 28, 1949;
8:50 a. m.]

[Docket Nos. 8302, 9348, 9349, 9350]

CHARLES WILBUR LAMAR, JR., ET AL.

ORDER DESIGNATING APPLICATION FOR CON- SOLIDATED HEARING ON STATED ISSUES

In re applications of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP-4913; Supreme Broadcasting System, Inc., New Orleans, Louisiana, Docket No. 9348, File No. BP-7206; Royal Broadcasting Corporation, New Orleans, Louisiana, Docket No. 9349, File No. BP-7221; New Orleans Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 9350, File No. BP-7225; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of June 1949;

The Commission having under consideration a petition filed March 23, 1949, by Charles Wilbur Lamar, Jr., requesting reconsideration and grant without hearing of his above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1450 kilocycles, with a power of 100 watts, unlimited time at Morgan City, Louisiana, and the above-entitled applications each requesting the mutually exclusive facilities of 1450 kilocycles, 250 watts power, unlimited time at New Orleans, Louisiana;

It appearing, that the application of Charles Wilbur Lamar, Jr., originally requesting the facilities 980 kilocycles, 250 watts power, unlimited time was designated for hearing on April 10, 1947, amended January 2, 1948, to specify the frequency 1450 kilocycles with a power of 100 watts but retained in hearing status because of objectionable interference with Station WNOE, New Orleans, Louisiana, as specified in the Commission's order of April 29, 1948, denying a petition for reconsideration and grant and amending the Commission's order of April 10, 1947; and

It further appearing, that the Commission on January 26, 1949, granted the application of Station WNOE to change frequency to 1060 kilocycles thereby eliminating the possibility of interference between it and the proposal of Charles Wilbur Lamar, Jr.; and

It further appearing, that subsequent to the filing of the above-mentioned petition for reconsideration and grant the

above-entitled mutually exclusive applications for the facilities of WNOE in New Orleans were filed with the Commission;

It is ordered, That the petition of Charles Wilbur Lamar, Jr., for reconsideration and grant without hearing is denied;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding with the application of Charles Wilbur Lamar, Jr., at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of April 10, 1947, as amended, designating the application of Charles Wilbur Lamar, Jr., for hearing, is amended by deleting therefrom the reference in issue No. 4 thereof to the existing station WNOE, New Orleans, Louisiana; by adding thereto issue No. 7 above and to include the above-entitled applications of Supreme Broadcasting System, Inc., Royal Broadcasting Corporation, and New Orleans Broadcasting Company, Inc.

FEDERAL COMMUNICATIONS,
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5173; Filed, June 28, 1949;
8:50 a. m.]

[Docket Nos. 9275, 9345, 9346, 9347]

BAMBERGER BROADCASTING SERVICE, INC.,
ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bamberger Broadcasting Service, Inc. (WOR), New York, New York, Docket No. 9275, File No. BP-4575; for construction permit; The Fort Industry Company (WGBS), Miami, Florida, Docket No. 9346, File No. BP-7218; for construction permit; Kenneth R. Giddens and T. J. Rester, d/b as Giddens and Rester (WKRQ), Mobile, Alabama, Docket No. 9347, File No. BML-1350; for modification of license; James Cullen Looney (KURV), Edinburg, Texas, Docket No. 9345, File No. BP-6473; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of June 1949,

The Commission having under consideration the above-entitled applications of The Fort Industry Company requesting a construction permit to change the facilities of Station WGBS, Miami, Florida, from 710 kc, 10 kw, 50 kw-LS, DA-2, U. to 710 kc, 50 kw, DA-1, U.; Kenneth R. Giddens and T. J. Rester, d/b as Giddens and Rester for a modification of license to change the facilities of Station WKRQ, Mobile, Alabama, from 710 kc, 250 w, 1 kw-LS, DA-N, U. to 710 kc, 500 w, 1 kw-LS, DA-N, U.; and James Cullen Looney for a permit to change the facilities of Station KURV, Edinburg, Texas, from 710 kc, 250 w, D. to 710 kc, 1 kw, DA-N, U.; and

It appearing, that on March 24, 1949, the Commission designated for hearing the above-entitled application of Bamberger Broadcasting Service, Inc., licensee of Station WOR, New York, New York, for installation of a new directional antenna, in consolidation with the application of Ridson, Inc., licensee of Station WDSM, Superior, Wisconsin, for a permit to change frequency from 1230 kc to 710 kc, increase power from 250 w to 5 kw, change transmitter location and install directional antenna (File No. BP-5638, Docket No. 8301); that on June 10, 1949, an amendment to the said application of Ridson, Inc. was accepted by the Motions Commissioner and the application was removed from the hearing docket; and that the hearing on the said application of Bamberger Broadcasting Service, Inc., is presently scheduled to commence June 22, 1949, at Washington, D. C.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications of The Fort Industry Company (WGBS), Miami, Florida; Kenneth R. Giddens and T. J. Rester, d/b as Giddens and Rester (WKRQ), Mobile, Alabama; and James Cullen Looney (KURV), Edinburg, Texas, are designated for hearing in consolidation with the hearing on the above-entitled application of Bamberger Broadcasting Service, Incorporated (WOR), New York, New York at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant and applicant corporations, their officers, directors, and stockholders to construct and operate Stations WGBS, WKRQ and KURV as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations WGBS, WKRQ and KURV as proposed.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WGBS, as proposed, would involve objectionable interference with the operation of Station WKJB, Mayaguez, Puerto Rico, as authorized in its outstanding construction permit, File Number BP-5938, and whether the operation of Stations WGBS, WKRQ, and KURV as proposed, would involve objectionable interference with any other existing broadcast stations and if so the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations WGBS, WKRQ, and KURV, as proposed, would involve objectionable interference each with the other or with the operation of Stations WOR and WDSM, as proposed, or with the services proposed in any other pending applications for broadcast facilities, if so the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Stations WGBS, WKRQ and KURV, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether in actual operation the radiation in the several directions from the directional antennas proposed by Stations WGBS and KURV can be held to the theoretical values set forth in the applications.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of March 24, 1949, designating for hearing the above-entitled application of Bamberger Broadcasting Service, Incorporated (WOR) is amended to include the applications of The Fort Industry Company (WGBS), Kenneth R. Giddens and T. J. Rester, d/b as Giddens and Rester (WKRQ) and James Cullen Looney (KURV), and issue number 8 as set forth above.

It is further ordered, That Jose Bechara, licensee of Station WKJB, Mayaguez, Puerto Rico, is made a party to this proceeding.

It is further ordered, That the hearing in the above-entitled proceeding now

scheduled for June 22, 1949, is continued to July 18, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5174; Filed, June 28, 1949;
8:50 a. m.]

[Docket No. 9353]

JACKSONVILLE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Jacksonville Broadcasting Corporation, Docket No. 9353, File No. BMPCT-493; for additional time in which to commence and complete construction of TV Station WPDQ-TV, Jacksonville, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of June 1949;

The Commission having under consideration the above-entitled application of the Jacksonville Broadcasting Corporation (File No. BMPCT-493) for additional time in which to commence and complete construction of TV broadcast station WPDQ-TV, Jacksonville, Florida; and

It appearing, that on August 13, 1949, the Commission granted the Jacksonville Broadcasting Corporation a construction permit for a TV broadcast station at Jacksonville, Florida (BPCT-394); and

It further appearing, that the construction of the TV broadcast station authorized on August 13, 1949 has not been commenced or completed; and

It further appearing, that on May 4, 1949, the Commission denied the above-entitled application of the Jacksonville Broadcasting Corporation (BMPCT-493) for additional time in which to commence and complete construction of TV broadcast station WPDQ-TV, Jacksonville, Florida; and that the Commission by a letter dated May 5, 1949, gave the Jacksonville Broadcasting Corporation 20 days within which to request a hearing on its above-entitled application; and

It further appearing, that the Jacksonville Broadcasting Corporation filed a request for a hearing in its above-entitled application (BMPCT-493) for additional time in which to commence and complete construction of TV broadcast station WPDQ-TV, Jacksonville, Florida;

It is ordered, That the Commission's action of May 4, 1949, denying the above-entitled application be set aside; and

It is further ordered, That, pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, and § 3.615 of the Commission's rules and regulations, the above-entitled application (File No. BMPCT-493) be designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the Jacksonville Broadcasting Corporation has been diligent in proceeding with the construction of TV broadcast station WPDQ-TV,

Jacksonville, Florida, as authorized by the construction permit granted August 13, 1948 (File No. BPCT-394).

2. To determine whether it would be in the public interest, convenience and necessity to grant the application of the Jacksonville Broadcasting Corporation (File No. BMPCT-493) for additional time in which to commence and complete construction of TV broadcast station WPDQ-TV at Jacksonville, Florida, as authorized by the Commission on August 13, 1948 (File No. BPCT-394).

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5175; Filed, June 28, 1949;
8:50 a. m.]

[Docket No. 9344]

VILLAGE BROADCASTING CO. (WEBS)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Joseph Triner, Charles M. Hickman, George Herrmann, Jr., Edward J. Faltysek and William L. Klein d/b as Village Broadcasting Company (WEBS), Oak Park, Illinois, Docket No. 9344, File No. BMP-4373; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of June 1949;

The Commission having under consideration the above-entitled application for modification of construction permit (which authorized a new standard broadcast station to operate on the frequency 1490 kilocycles, with 250 watts power, unlimited time at Oak Park, Illinois) to make changes in the vertical antenna and to change transmitter and studio locations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934 as amended, the said application is designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WEBS as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WEBS as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WEBS as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station WEBS

as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the population residing within the 500 mv/m and 250 mv/m blanket contours and to the proposed transmitter location.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5176; Filed, June 28, 1949;
8:50 a. m.]

[Docket No. 8343]

EASTERN IDAHO BROADCASTING AND
TELEVISION CO. (KIFI)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Eastern Idaho Broadcasting and Television Company (KIFI), Idaho Falls, Idaho, Docket No. 8343, File No. BP-5978; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of June 1949;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1400 kc. to 1060 kc., increase power from 250 watts to 10 kilowatts, install new transmitter, change transmitter location and utilize a directional antenna both day and night at Station KIFI, Idaho Falls, Idaho;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Eastern Idaho Broadcasting and Television Company is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KIFI as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KIFI as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KIFI as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, with particular reference as to whether the protection angle of the proposed operation is sufficient to adequately protect the nighttime service area of any other pending applications and, if there is objectionable interference, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station KIFI as proposed would involve objectionable interference with Stations CFCN, Calgary, Alberta, Canada and XEDP, Mexico City, Mexico, or with any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

5. To determine whether the installation and operation of station KIFI as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

6. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KEIO at Pocatello, Idaho, the nature and extent thereof, and whether such overlap if any, is in contravention of § 3.35 of the Commission's rules.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5177; Filed, June 28, 1949;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-627, G-635]

CITY OF PITTSBURGH ET AL.

NOTICE OF OPINION AND ORDER MODIFYING
RATE REDUCTION

JUNE 23, 1949.

City of Pittsburgh v. Pittsburgh and West Virginia Gas Company and Kentucky West Virginia Gas Company, Docket No. G-627; in the matter of Pittsburgh and West Virginia Gas Company and Kentucky West Virginia Gas Company, Docket No. G-635.

Notice is hereby given that, on June 20, 1949, the Federal Power Commission issued its Opinion No. 168-B and order entered June 20, 1949, modifying rate reduction in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5148; Filed, June 28, 1949;
8:45 a. m.]

[Docket Nos. G-1189, G-1192, G-1194, G-1202,
G-1206]

ARKANSAS-OKLAHOMA GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING
CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY

JUNE 23, 1949.

In the matters of Arkansas-Oklahoma Gas Company, Docket No. G-1189; Mountain Fuel Supply Company, Docket No. G-1192; Northern Natural Gas Company, Docket No. G-1194; United Fuel Gas Company, Docket No. G-1202; Tennessee Gas Transmission Company, Docket No. G-1206.

Notice is hereby given that, on June 22, 1949, the Federal Power Commission issued its findings and orders entered

No. 124—8

June 21, 1949, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5149; Filed, June 28, 1949;
8:45 a. m.]

[Docket No. ID-1113]

AUSTIN D. BARNEY

NOTICE OF AUTHORIZATION

JUNE 23, 1949.

Notice is hereby given that, on June 22, 1949, the Federal Power Commission issued its order entered June 21, 1949, in the above-designated matter, authorizing Applicant to hold certain positions in The Hartford Electric Light Company and The Connecticut Power Company, pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5150; Filed, June 28, 1949;
8:45 a. m.]

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA
RIVER, OREG.-WASH.

NOTICE OF REQUEST FOR APPROVAL OF
GENERAL RATE SCHEDULE PROVISION

JUNE 23, 1949.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, a new general rate schedule provision, § 15.1 providing for the sale of interruptible power.

Proposed General Rate Schedule Provision 15.1 reads as follows:

GENERAL RATE SCHEDULE PROVISIONS

15.1 *Sale of interruptible power.* The wholesale power rate schedules applicable to the sales of firm power by the Administrator shall also apply to sales of interruptible power, except that contract demand and computed demand shall not be considered in the determination of the billing demand. Interruptible power is power which the Administrator, by contract, may curtail upon reasonable notice, and which is sold in lieu of firm power because of inadequate firm power supply. During any time in which the Administrator curtails deliveries pursuant to such contracts:

(1) The monthly rates per kilowatt and the energy blocks stated in the schedules shall be prorated to each portion of the billing period during which the same restrictions were continuously in effect, on the basis of the ratio of the time in each such portion of the billing period to the total time in the billing period, and

(2) The billing demand for interruptible power for each such portion of the billing period shall be the highest 30-minute registered demand, adjusted for the average power factor for the entire billing period, less the billing demand for firm power during such portion of the billing period, if any.

Any person desiring to make comments or suggestions for Commission considera-

tion with respect to the foregoing should submit the same on or before July 12, 1949, to the Federal Power Commission, Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5147; Filed, June 28, 1949;
8:45 a. m.]

[Project No. 1198]

JACKSON HOLE LIGHT & POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT
OF LICENSE (MAJOR)

JUNE 23, 1949.

Notice is hereby given that, on June 22, 1949, the Federal Power Commission issued its order entered June 21, 1949, authorizing amendment of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5151; Filed, June 28, 1949;
8:45 a. m.]

[Project No. 1996]

MOOSE CREEK RANCHES, INC.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF
LICENSE (MINOR)

JUNE 23, 1949.

Notice is hereby given that, on June 22, 1949, the Federal Power Commission issued its order entered June 21, 1949, authorizing issuance of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5152; Filed, June 28, 1949;
8:46 a. m.]

[Project No. 1981]

OCONTO ELECTRIC COOPERATIVE
ORDER FIXING DATE OF HEARING

JUNE 23, 1949.

Pursuant to application filed September 29, 1947, the Commission on June 29, 1948, authorized the issuance of a license to Oconto Electric Cooperative, of Oconto Falls, Wisconsin (hereinafter sometimes referred to as "Oconto"), for the construction, operation, and maintenance of a proposed major project on the Oconto River in Oconto County, Wisconsin, to be known as the Stiles development and designated as Project No. 1981.

On March 17, 1949, Oconto filed an application seeking modification of the Commission's June 29, 1948 order with respect to the portion of that order which relates to requirements for the clearing of the project reservoir (paragraph 23 (m)). This application superseded an earlier application filed on January 27, 1949 relating to the same matter.

Paragraph 23 (m) of the June 29, 1948, order reads as follows:

m. The Licensee shall cut and remove or destroy, to the satisfaction of the representative of the Commission, all brush and trees from the zone, within and ad-

adjacent to the area to be submerged, which is included between the contour of elevation 102 feet (615.61 feet above mean sea level) and the contour of elevation 112 feet (625.61 feet above mean sea level) and shall remove or destroy all floatable refuse or other material within said areas to be submerged. The Licensee shall also cut in such manner or so remove or destroy brush or trees within said area to be submerged that no part of such brush or trees shall project above said elevation of 102 feet (615.61 feet above mean sea level).

In its March 17, 1949, application for modification, Oconto stated that it desires the following changes:

(a) All brush and trees on ground in the flowage zone between elevations 109½ and 104½ shall be cut within 18 inches of the ground;

(b) All brush and trees on ground lower than elevation 104½ need only be cut so that their tops are not higher than elevation 104½; and

(c) No cutting shall be required on any land above elevation 109½.

Federal agencies, a municipality, and a private corporation have expressed an interest in or objection to the modification of the requirements set forth in paragraph 23 (m).

The Commission finds: It is in the public interest to hold a hearing on the said application for modification of paragraph 23 (m) of the June 29, 1948, order authorizing issuance of license for Project No. 1981.

The Commission orders:

(A) A public hearing be held commencing on July 13, 1949, at 10:00 a. m. (CST), in the Assembly Room, the Brown County Court House, Green Bay, Wisconsin, limited to the matters contained in Oconto Electric Cooperative's March 17, 1949, application for modification of paragraph 23 (m) of the Commission's June 29, 1948, order as referred to above.

(B) As provided by § 1.30 (18 CFR 1.30) of the Commission's rules of practice and procedure, the officer hereafter designated to preside at the hearing shall certify the record of the hearing, including his report thereon, to the Commission for its decision, and such report shall constitute a recommended decision.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: June 27, 1949.

By the Commission,

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5224; Filed, June 28, 1949;
9:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2135]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

SUPPLEMENTAL ORDER GRANTING APPLICATION
AND RELEASING JURISDICTION WITH RESPECT
TO FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 21st day of June A. D. 1949.

Public Service Company of New Hampshire ("the Company"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of \$4,000,000 principal amount of its First Mortgage Bonds, Series E --%, dated June 1, 1949, due June 1, 1979; and

The Commission having by order dated June 10, 1949, granted said application as amended, subject to the condition that the proposed issue and sale of said bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, and subject to a further reservation of jurisdiction with respect to the payment of fees and expenses incurred or to be incurred in connection with the transaction; and

The Company having filed a further amendment to its application setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to an invitation for competitive bids, the following bids for said bonds were received:

Bidding group headed by—	Interest rate	Price to company ¹	Annual cost to company
Halsey, Stuart & Co., Inc.	3	100.155	2.992
The First Boston Corp.	3	100.077	2.996
Kidder, Peabody & Co. and Blyth & Co., Inc.	3½	102.151	3.016
Equitable Securities Corp.	3½	101.942	3.026
Carl M. Loeb, Rhodes & Co.	3½	101.88	3.029

¹ Plus accrued interest to date of delivery.

The amendment further containing a statement that the Company has accepted the bid of Halsey, Stuart & Co., Inc., for said bonds, as set forth above, and that said bonds will be offered to the public at a price of 100.59% of the principal amount thereof, plus accrued interest, resulting in an underwriter's spread of 0.435% of the principal amount of said bonds or an aggregate amount of \$17,400; and

The amendment also having set forth the nature and extent of the legal services rendered for which requests for payment have been made, as follows: \$6,000 to Ropes, Gray, Best, Coolidge & Rugg, Boston counsel to the Company; \$1,500 to Sulloway, Piper, Jones, Hollis & Godfrey, local counsel to the Company; and \$4,000 to Choate, Hall & Stewart, counsel to the successful bidder for said bonds, whose fee is to be paid by the successful bidder; and

The Company having also submitted by amendment a statement of other estimated fees and expenses, as follows: registration fee and Federal revenue tax, \$4,811; printing, \$11,250; accounting,

\$1,900; trustees, transfer agents and registrar, \$5,000; "Blue Sky" and other miscellaneous expenses, \$1,500; and

The Commission having examined said amendment and the evidence submitted with respect to fees and expenses and having considered the record herein, and finding that the payment of fees and expenses in the amounts proposed is not unreasonable and that it is appropriate in the public interest to release jurisdiction with respect thereto, and finding no reason for imposing terms and conditions with respect to said matter;

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 and with respect to fees and expenses be and the same hereby is released, and that said application as further amended be and the same hereby is granted forthwith; subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5153; Filed, June 28, 1949;
8:46 a. m.]

WAR ASSETS ADMINISTRATION

[Wildlife Order 4]

TRANSFER OF A PORTION OF TOBYHANNA MILITARY RESERVATION, TOBYHANNA, PENNSYLVANIA, TO THE COMMONWEALTH OF PENNSYLVANIA

Pursuant to the authority granted under Public Law 537, 80th Congress, notice is hereby given that:

1. By deed from the United States of America, dated May 5, 1949, to the Commonwealth of Pennsylvania, acting by and through the Pennsylvania Game Commission, a portion of that property known as Tobyhanna Reservation, Tobyhanna, Pennsylvania, and more particularly described in such deed, has been transferred from the United States to the Commonwealth of Pennsylvania.

2. The above described property is transferred to the Commonwealth of Pennsylvania for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

PAUL L. MATHER,
Administrator.

JUNE 17, 1949.

[F. R. Doc. 49-5225; Filed, June 27, 1949;
1:35 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13403]

HEINRICH KRIEGSHEIM AND CENTRAL HANOVER BANK AND TRUST CO.

In re: Trust agreement dated April 28, 1933, by and between Heinrich Krieg-

shein, trustor, and Central Hanover Bank and Trust Company, trustee, with amendments, File No. D-28-4355-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Kriegsheim, Elizabeth (Bettina) Mehlis, Dietrich Mehlis, Ursula Mehlis, Gretha Eisvogel, Herbert Kriegsheim, Elsa Kriegsheim, Bernhard Kriegsheim, Hans Kriegsheim, Karl Kriegsheim, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Johann Kriegsheim, of Gretha Eisvogel, of Josef Kriegsheim, and of Karl Kriegsheim, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest, and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to and arising out of or under that certain trust agreement dated April 28, 1933, by and between Heinrich Kriegsheim, trustor, and Central Hanover Bank and Trust Company, trustee, as amended on April 28, 1933, and June 21, 1939, presently being administered by Central Hanover Bank and Trust Company, 40 East 42d Street, New York 17, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the issue, names unknown, of Johann Kriegsheim, of Gretha Eisvogel, of Josef Kriegsheim, and of Karl Kriegsheim are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5178; Filed, June 28, 1949; 8:50 a. m.]

[Vesting Order 13412]

MARIE MARGRETE (MARGARETE) PROSS

In re: Estate of Marie Margrete (Margarete) Pross, deceased. File No. D-28-12645; E. T. sec. No. 16824.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Marie Bernhardt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Marie Margrete (Margarete) Pross, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Lawrence A. Monroe, as administrator c. t. a. d. b. n., acting under the judicial supervision of the Orphans' Court of Bucks County, Doylestown, Pennsylvania;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Marie Bernhardt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5179; Filed, June 28, 1949; 8:50 a. m.]

[Vesting Order 13407]

ALBERT MUELLER (MULLER)

In re: Estate of Albert Mueller (Muller), deceased. File No. F-28-19953; E. T. sec. 16816.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine (Wilhelmina) Muller, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Albert Mueller (Muller), deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter Mueller, as administrator, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That the national interest of the United States requires that the said Wilhelmine (Wilhelmina) Muller be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5136; Filed, June 27, 1949; 8:55 a. m.]

[Vesting Order 13408]

FRITZ A. NEUHAUS ET AL.

In re: Trust agreement dated August 30, 1931, between Fritz A. Neuhaus, grantor, and Kurt V. Moll and the St. Louis Union Trust Company, trustees. File No. F-28-13216-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Neuhaus, Jorg Wilbur Neuhaus, Ralph Neuhaus (Oesten), Frederick Ernst Oesten and Christa Oesten, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Fritz A. Neuhaus, who, on or since the effective date of Executive Or-

der 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That the descendants, names unknown, of Kurt Fritz Neuhaus, of Karl Neuhaus and of Ralph Neuhaus (Oesten), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated August 30, 1931, by and between Fritz A. Neuhaus, grantor, and Kurt V. Moll and the St. Louis Union Trust Company, trustees, presently being administered by the St. Louis Union Trust Company, 323 No. Broadway, St. Louis 2, Missouri, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the descendants, names unknown, of Kurt Fritz Neuhaus, of Karl Neuhaus and of Ralph Neuhaus (Oesten), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That the national interest of the United States requires that the said Fritz A. Neuhaus be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5137; Filed, June 27, 1949;
8:55 a. m.]

[Vesting Order 13425]

BABETTE GEISSNER

In re: Real property owned by Babette Geissner, also known as Babetha Geifssner.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Babette Geissner, also known as Babetha Geifssner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain property situated in the City of Chicago, County of Cook, State of Illinois, described as follows:

Lot six (6) in block fifty-eight (58) in Ironworker's Addition, being a subdivision of the West half (W $\frac{1}{2}$) of the North West quarter (NW $\frac{1}{4}$) of Section seventeen (17) Township thirty-seven (37) North, Range fifteen (15) East of the Third (3d) Principal Meridian.

[F. R. Doc. 49-5160; Filed, June 28, 1949;
8:51 a. m.]

[Return Order 227, Amdt.]

HIROMI ISHIDA ET AL.

Return Order No. 227, dated December 6, 1948, is hereby amended by deleting therefrom the following:

Claimant	Claim No.	Property
Chiyoaka Nishimura, 3132 Harding Ave., Honolulu 41, T. H.	13782	\$3,445.33

and substituting therefor:

Claimant	Claim No.	Property
Chiyoaka Nishimura, 3132 Harding Ave., Honolulu 41, T. H.	13782	\$3,949.13

All other provisions of said Return Order No. 227 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 22, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5138; Filed, June 27, 1949;
8:56 a. m.]